

<p style="text-align: center;">1</p> <p>340896 eb</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA</p> <p>STATE OF TEXAS, *</p> <p style="padding-left: 40px;">Plaintiff, *</p> <p>VS. *</p> <p>ERIC H. HOLDER, JR., in his *</p> <p>official capacity as Attorney *</p> <p>General of the United States, *</p> <p style="padding-left: 40px;">Defendant, *</p> <p>ERIC KENNIE, et al, *</p> <p style="padding-left: 40px;">Defendant-Intervenors, *</p> <p>TEXAS STATE CONFERENCE OF NAACP * CASE NO.</p> <p>BRANCHES, et al, * 1:12-CV-00128</p> <p style="padding-left: 40px;">Defendant-Intervenors, * (RMC-DST-RLW)</p> <p>TEXAS LEAGUE OF YOUNG VOTERS * THREE-JUDGE COURT</p> <p>EDUCATION FUND, et al, *</p> <p style="padding-left: 40px;">Defendant-Intervenors, *</p> <p>TEXAS LEGISLATIVE BLACK CAUCUS, *</p> <p>et al, *</p> <p style="padding-left: 40px;">Defendant-Intervenors, *</p> <p>VICTORIA RODRIGUEZ, et al *</p> <p style="padding-left: 40px;">Defendant-Intervenors. *</p> <p style="text-align: center;">DEPOSITION OF SENATOR THOMAS D. WILLIAMS UPON RECEIPT OF SIGNATURE, THE ORIGINAL OF THIS DEPOSITION WILL BE IN THE CUSTODY OF:</p> <p style="padding-left: 80px;">Maria H. Rios, Esquire U.S. Department of Justice 950 Pennsylvania Avenue, NW NWB - Room 7202 Washington, DC 20530</p> <p>Date Edith A. Boggs, CSR</p> <p>6-1-12 HOUSTON, TEXAS</p>	<p style="text-align: center;">3</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3</p> <p>4 ATTORNEYS FOR PLAINTIFF, STATE OF TEXAS:</p> <p>5</p> <p>6 Office of the Attorney General of Texas</p> <p>7 P.O. Box 12548 (78711-2548)</p> <p>8 209 West 8th Street, 8th Floor</p> <p>9 Austin, Texas 78701</p> <p>10 By: Patrick K. Sweeten, Esquire</p> <p>11 and Jay Dyer, Esquire</p> <p>12 (512) 936-1307</p> <p>13 patrick.sweeten@aog.state.tx.us</p> <p>14</p> <p>15 ATTORNEYS FOR DEFENDANT, HOLDER, ET AL:</p> <p>16</p> <p>17 U.S. Department of Justice</p> <p>18 950 Pennsylvania Avenue, NW</p> <p>19 NWB - Room 7202</p> <p>20 Washington, DC 20530</p> <p>21 By: Maria H. Rios, Esquire</p> <p>22 and Jennifer Maranzano, Esquire</p> <p>23 and Spencer Fisher, Esquire</p> <p>24 (202) 305-7766</p> <p>25 maria.rios@usdoj.gov</p>
<p style="text-align: center;">2</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 DEPOSITION OF SENATOR THOMAS D. WILLIAMS</p> <p>9</p> <p>10</p> <p>11 DEPOSITION AND ANSWERS of SENATOR THOMAS D. WILLIAMS,</p> <p>12 taken before Edith A. Boggs, a certified shorthand</p> <p>13 reporter in Harris County for the State of Texas, taken</p> <p>14 at the offices of United States Attorney's Office, 816</p> <p>15 Congress, Austin, Texas, on the 1st day of June, 2012,</p> <p>16 between the hours of 9:31 a.m. and 5:29 p.m.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">4</p> <p>1 A P P E A R A N C E S (Continued)</p> <p>2</p> <p>3</p> <p>4 ATTORNEYS FOR INTERVENORS:</p> <p>5</p> <p>6 American Civil Liberties Union Foundation</p> <p>7 Southern Regional Office</p> <p>8 230 Peachtree Street</p> <p>9 Atlanta, Georgia 30303-1227</p> <p>10 By: Nancy G. Abudu, Esquire</p> <p>11 (404) 523-2721</p> <p>12 nabudu@aclu.org</p> <p>13</p> <p>14 AND</p> <p>15</p> <p>16 Advancement Project</p> <p>17 1220 L Street, NW</p> <p>18 Suite 850</p> <p>19 Washington, DC 20005</p> <p>20 By: Donita Judge, Esquire</p> <p>21 (202) 728-9557</p> <p>22 djudge@advancementproject.org</p> <p>23</p> <p>24 REPORTED BY:</p> <p>25 Ms. Edith A. Boggs</p>



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
www.esquiresolutions.com

5	7
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
EXAMINATION INDEX	PROCEEDINGS
QUESTIONS BY PAGE	THE COURT REPORTER: Would all counsel
Ms. Rios 7	present state their names and affiliations.
Ms. Abudu 207	MS. RIOS: Yes. Maria H. Rios with the
Ms. Rios 253	Justice Department.
INDEX OF EXHIBITS	MS. MARANZANO: Jennifer Maranzano with the
NO. MARKED OR FIRST REFERENCED DESCRIPTION	Justice Department.
6 196 LexisNexis Official Code of Georgia Annotated	MS. ABUDU: Nancy Abudu,
29 124 SB 362	defendant-intervenors.
44 83 HB 1706	MS. JUDGE: Donita Judge,
45 95 Declaration of Carlos Uresti	defendant-intervenors.
60 193 PL 109-2005	MR. DYER: Jay Dyer for the State of Texas.
400 17 Amended Notice of Deposition	MR. SWEETEN: Patrick Sweeten from the Texas
401 53 NEW YORK TIMES article The Talk, and the Talk, of Austin	Attorney General's office on behalf of the State of
402 84 Texas Legislative Council Second Revised Privilege Log, May 23, 2012	Texas and on behalf of the witness, Senator Tommy
403 92 HB 218	Williams.
404 154 Senate Resolution No. 14	MS. RIOS: Okay. Good morning. We are here
405 160 Public Statement from Tommy Williams, State Senator, District 4	for the deposition of Senator Tommy Williams in Texas
	versus Holder.
	SENATOR THOMAS D. WILLIAMS
	was called as a witness and, being first duly sworn by
	the notary, testified as follows:
	EXAMINATION
	Q. (BY MS. RIOS) Sir, could you please state your
	name for the record.

6	8
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
406 163 Wednesday, January 14, 2009, Texas Senate, 81st Legislature, 2009 Regular Session	A. Sure. It's Thomas D. Williams. I go by Tommy.
407 168 Texas Senate Staff Services, 82nd Legislative Session, Excerpt: Senate Bill 14, January 26, 2011	That's my nickname.
408 169 Texas Senate Staff Services, 82nd Legislative Session, Excerpt: Senate Bill 14, January 26, 2011	Q. Mr. Williams, I'm going to discuss briefly some
409 169 Committee of the Whole Senate, Tuesday, March 10, 2009	ground rules.
410 177 SB 14	You should answer my questions truthfully,
411 177 Senate Resolution No. 36	accurately and completely.
412 253 Excerpt of transcript, Consideration of Senate Bill 14, 1/25/2011	The court reporter will prepare a transcript of
	everything that is said today, so, you must respond to
	my questions verbally. So, no shaking heads, going
	uh-huh, because she's going to record, you know,
	whatever is a verbal response.
	Please wait for me to finish my questions before
	you answer, and I'll try to do the same.
	And I will try to ask you clear questions but if
	you don't understand a question, please let me know.
	If you wish to stop and take a break, please tell
	me, and I will try to accommodate you.
	Understand that you are under oath and you may be
	subject to penalty of perjury for giving false or
	misleading testimony, just like at trial.
	Do you understand these instructions?
	A. I do.
	Q. And do you have any questions about these
	instructions?
	A. No.



<p style="text-align: center;">9</p> <p>1 Q. Okay. Are you on any medication today that would</p> <p>2 affect your ability to testify?</p> <p>3 A. No.</p> <p>4 Q. Okay. Is there any reason why you cannot testify</p> <p>5 truthfully and accurately today?</p> <p>6 A. No.</p> <p>7 Q. Okay. I may use the terms "voter ID" and "photo</p> <p>8 ID" interchangeably during the deposition. I want you</p> <p>9 to interpret the term broadly to mean the requirement</p> <p>10 that a voter present a form of identification, whether</p> <p>11 it is a photo -- it has a photo on them or otherwise,</p> <p>12 when voting in person before being permitted to cast a</p> <p>13 regular ballot. Do you understand?</p> <p>14 A. I do.</p> <p>15 Tell me your name again.</p> <p>16 Q. My first name is Maria and my last name is Rios.</p> <p>17 A. Okay.</p> <p>18 Q. If I refer to "you," I am asking you questions</p> <p>19 about you in your capacity as a member of the Texas</p> <p>20 State Senate and not in any other capacity. Do you</p> <p>21 agree?</p> <p>22 A. Yes.</p> <p>23 Q. And when referring to the term "minority voters,"</p> <p>24 I mean voters who are not white, nonAnglo. Do you</p> <p>25 understand?</p>	<p style="text-align: center;">11</p> <p>1 represented by counsel today?</p> <p>2 A. I am.</p> <p>3 Q. And who is your counsel?</p> <p>4 A. Mr. Sweeten.</p> <p>5 Q. And have you been deposed before?</p> <p>6 A. I have.</p> <p>7 Q. How many times?</p> <p>8 A. Once, I think. Once or twice.</p> <p>9 Q. And what was the nature of the proceedings?</p> <p>10 A. It was business litigation.</p> <p>11 Q. And this was business litigation in your personal</p> <p>12 capacity?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. And have you ever been deposed in your</p> <p>15 capacity as a State Senator?</p> <p>16 A. No.</p> <p>17 Q. Or a State Representative?</p> <p>18 A. No.</p> <p>19 Q. Have you testified in court before?</p> <p>20 A. I don't think so.</p> <p>21 Q. Okay.</p> <p>22 A. Other than a deposition.</p> <p>23 Q. And have you ever been personally a party in a</p> <p>24 lawsuit?</p> <p>25 A. Yes.</p>
<p style="text-align: center;">10</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 MR. SWEETEN: I quibble with the instruction</p> <p>4 on the "you." You're asking him -- are you saying that</p> <p>5 every time you refer to "you," you're talking to him</p> <p>6 you, as a member of the Senate? Because if you were</p> <p>7 going to ask him, "Where were you born," how would he</p> <p>8 possibly answer that?</p> <p>9 So, I don't think we can agree to the</p> <p>10 instruction on "you." I think "you" should be given its</p> <p>11 ordinary meaning in the course of this deposition. I've</p> <p>12 said that several times. I've heard that instruction</p> <p>13 several times. So, I just would object to that</p> <p>14 instruction.</p> <p>15 MS. RIOS: You know, Counsel, if I'm going</p> <p>16 to ask him a question in which "you" means you, you</p> <p>17 know, as a person in his personal capacity or in any</p> <p>18 other capacity that is not as a State Senator, I will</p> <p>19 specify that that's the case.</p> <p>20 MR. SWEETEN: Okay. If you could just</p> <p>21 specify, that would be helpful. And I'm not trying to</p> <p>22 be argumentative. I just think that potentially could</p> <p>23 be confusing but if you'll specify, that's perfectly</p> <p>24 fine.</p> <p>25 Q. (BY MS. RIOS) Senator Williams, are you</p>	<p style="text-align: center;">12</p> <p>1 Q. As a plaintiff or a defendant?</p> <p>2 A. Yes.</p> <p>3 Q. Both as a plaintiff and as a defendant?</p> <p>4 A. (Witness indicated by nodding his head</p> <p>5 affirmatively.)</p> <p>6 Q. And who were you suing or defending against?</p> <p>7 A. It was business litigation.</p> <p>8 Q. Again, in your personal capacity?</p> <p>9 A. In my capacity as an officer of a business.</p> <p>10 Q. And what type of business was this?</p> <p>11 A. It was -- it is a financial services company,</p> <p>12 Woodforest Financial Services. I'm president of</p> <p>13 Woodforest Financial Services.</p> <p>14 Q. And have you ever been involved in a case where</p> <p>15 the State of Texas was the plaintiff or a defendant?</p> <p>16 A. No.</p> <p>17 Q. Okay. What did you do to prepare for today's</p> <p>18 deposition?</p> <p>19 A. I met with Mr. Sweeten yesterday.</p> <p>20 Q. Was that the only meeting that you had with</p> <p>21 Mr. Sweeten?</p> <p>22 A. No. I've talked to him before but yesterday was</p> <p>23 the only day we used to prepare for this deposition.</p> <p>24 Q. Did you meet with anyone else?</p> <p>25 A. Well, there were other people present in the</p>



<p style="text-align: center;">13</p> <p>1 room.</p> <p>2 Q. And who else was present at the meeting that you</p> <p>3 had with Mr. Sweeten?</p> <p>4 A. Mr. Dyer was present at the meeting and</p> <p>5 Ms. Napier from the Attorney General's office and Ryan</p> <p>6 La Rue, who is an attorney that works for me.</p> <p>7 Q. And Mr. La Rue works for you in relation to your</p> <p>8 personal business?</p> <p>9 A. No.</p> <p>10 Q. Mr. La Rue is your personal attorney?</p> <p>11 A. No.</p> <p>12 Q. In which capacity did Mr. La Rue -- what's your</p> <p>13 link with Mr. La Rue?</p> <p>14 A. Mr. La Rue works for me. He's the Committee</p> <p>15 Director for the Transportation and Homeland Security</p> <p>16 Committee. He's also an attorney.</p> <p>17 Q. Okay. So, he's a member of your staff?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. Did you review any documents?</p> <p>20 A. Yes.</p> <p>21 Q. Which ones?</p> <p>22 A. The documents that we produced from our office as</p> <p>23 a result of your open records request.</p> <p>24 Q. And how long was this meeting?</p> <p>25 A. It was a couple of hours, approximately. I don't</p>	<p style="text-align: center;">15</p> <p>1 taken in this case?</p> <p>2 A. No.</p> <p>3 Q. Did you bring any notes or documents with you</p> <p>4 today?</p> <p>5 A. No.</p> <p>6 Q. Okay. Is it your understanding that you, as a</p> <p>7 State Senator, may invoke legislative privilege?</p> <p>8 A. It is.</p> <p>9 Q. Are there any other privileges you are asserting</p> <p>10 today besides legislative privilege?</p> <p>11 MR. SWEETEN: Well, I mean, it depends on</p> <p>12 what the questions are. If you ask him questions that</p> <p>13 implicate my discussions with him, we would invoke the</p> <p>14 attorney/client privilege.</p> <p>15 If you were to ask something else that would</p> <p>16 invade another privilege, we would certainly assert that</p> <p>17 on his behalf. I think it's a question by question</p> <p>18 basis. I don't think he could possibly know the answer</p> <p>19 to that.</p> <p>20 Q. (BY MS. RIOS) Could you answer my question?</p> <p>21 A. Well, I'm asserting legislative privilege, and I</p> <p>22 would assert any other privilege that might be available</p> <p>23 to me on the advice of my attorney.</p> <p>24 Q. Okay. Have you asserted legislative privilege</p> <p>25 over documents and materials in your possession or in</p>
<p style="text-align: center;">14</p> <p>1 know exactly.</p> <p>2 Q. And besides Mr. Dyer, Ms. Napier, Mr. La Rue and</p> <p>3 Mr. Sweeten, was anyone else present at this meeting?</p> <p>4 A. No.</p> <p>5 Q. Other than your attorneys and the people who</p> <p>6 attended yesterday's meeting, did you speak to anyone</p> <p>7 about your deposition today?</p> <p>8 A. Only if someone asked me what I was going to</p> <p>9 Austin for, I would say I'm going to give a deposition</p> <p>10 for the voter ID case but I haven't discussed the case</p> <p>11 with anyone else. So, other people know I'm here, my</p> <p>12 other staff members, the people who do my scheduling, my</p> <p>13 wife.</p> <p>14 Q. And have you had a conversation with anyone who</p> <p>15 has been deposed in this case?</p> <p>16 A. Have I had a conversation or have I had a</p> <p>17 conversation about this case?</p> <p>18 Q. Have you had a conversation with anyone who has</p> <p>19 been deposed in this case?</p> <p>20 A. Yes.</p> <p>21 Q. Yes?</p> <p>22 A. Yes.</p> <p>23 Q. And was your conversation related to this case?</p> <p>24 A. No.</p> <p>25 Q. And was it, you know, related to the deposition</p>	<p style="text-align: center;">16</p> <p>1 the possession of your staff members that relate to</p> <p>2 Senate Bill 14?</p> <p>3 A. Yes.</p> <p>4 Q. And do you understand that due to your assertion</p> <p>5 of privilege, the Office of the Attorney General for the</p> <p>6 State of Texas has withheld certain documents in your</p> <p>7 possession that relate to Senate Bill 14?</p> <p>8 A. Yes.</p> <p>9 Q. And do you further understand that the Office of</p> <p>10 the Attorney General has not produced these documents to</p> <p>11 counsel for the U.S. Attorney General in this</p> <p>12 litigation?</p> <p>13 A. I do.</p> <p>14 Q. Okay. Do you continue today to assert a</p> <p>15 legislative privilege over documents related to Senate</p> <p>16 Bill 14?</p> <p>17 A. I do.</p> <p>18 Q. Okay. Will you be invoking legislative privilege</p> <p>19 during your deposition testimony today that relates to</p> <p>20 other voter photo identification bills considered by the</p> <p>21 Texas Legislature?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And why are you asserting legislative</p> <p>24 privilege?</p> <p>25 MR. SWEETEN: Don't answer the question.</p>



<p style="text-align: center;">17</p> <p>1 It would require him to reveal information</p> <p>2 that we've discussed, and that's not relevant. He's</p> <p>3 entitled to it. His decision to invoke it is his own.</p> <p>4 A. On the advice of counsel, I'm not going to answer</p> <p>5 that question.</p> <p>6 Q. (BY MS. RIOS) Okay. Okay. I'm going to show</p> <p>7 you what we will mark as Exhibit 400. That's the</p> <p>8 amended notice of deposition.</p> <p>9 (Exhibit 400 marked.)</p> <p>10 Q. (BY MS. RIOS) Do you recognize this document?</p> <p>11 A. Well, I'm taking a look at it. It appears to me</p> <p>12 that it's a notice to my office that you intend to</p> <p>13 depose me today.</p> <p>14 Q. Okay. And if you could please look at the last</p> <p>15 two and a half pages.</p> <p>16 A. Uh-huh.</p> <p>17 Q. There's a list of documents. Did you undertake a</p> <p>18 search for these documents?</p> <p>19 A. Let me read the list.</p> <p>20 Yes.</p> <p>21 Q. And where did you look for the documents</p> <p>22 responsive to this request?</p> <p>23 A. I instructed my staff to do the search.</p> <p>24 Q. Okay. And who conducted the search?</p> <p>25 A. It was several of my staff members.</p>	<p style="text-align: center;">19</p> <p>1 the E-mail.</p> <p>2 Q. Okay. And look specifically at, you know,</p> <p>3 documents responsive to number 5.</p> <p>4 A. Uh-huh.</p> <p>5 Q. Okay. Do you understand that this search was to</p> <p>6 include both public and nonpublic analysis related to</p> <p>7 the effects of SB14 on minority voters?</p> <p>8 MR. SWEETEN: I'm sorry, which number are we</p> <p>9 talking about?</p> <p>10 MS. RIOS: Number 5.</p> <p>11 MR. SWEETEN: Okay. And your question</p> <p>12 again?</p> <p>13 Can you read her question back, please?</p> <p>14 (Whereupon, the requested testimony was read back</p> <p>15 as follows:</p> <p>16 QUESTION: Okay. Do you understand that this</p> <p>17 search was to include both public and nonpublic</p> <p>18 analysis related to the effects of SB14 on</p> <p>19 minority voters?)</p> <p>20 A. I think I understand that's true.</p> <p>21 Q. (BY MS. RIOS) Okay. And how many reports did</p> <p>22 you submit to your attorneys?</p> <p>23 A. You know, my staff submitted all that. I don't</p> <p>24 know how to answer that. I don't know the answer.</p> <p>25 Q. So, after your staff gathered all of the</p>
<p style="text-align: center;">18</p> <p>1 Q. And could you please tell me the names of the</p> <p>2 staff members that assisted you in conducting this</p> <p>3 search?</p> <p>4 A. You know, what I did was I instructed my Chief of</p> <p>5 Staff and my administrative person and my Legislative</p> <p>6 Director that they were to undertake a search to produce</p> <p>7 all of these documents. And I don't know who else they</p> <p>8 might have used to help do that on the staff. I left it</p> <p>9 up to them to do that.</p> <p>10 Q. And since I'm going to ask you about them later,</p> <p>11 let me just ask what is the name of your Chief of Staff?</p> <p>12 A. Janet Stieben, S T I E B E N.</p> <p>13 Q. And your Legislative Director?</p> <p>14 A. Is Jason Baxter.</p> <p>15 Q. And what did they find?</p> <p>16 A. Well, everything they found, we produced and gave</p> <p>17 to the Attorney General's office.</p> <p>18 Q. And did that include both paper and electronic</p> <p>19 form records?</p> <p>20 A. I believe that it did.</p> <p>21 Q. And the electronic form records were printed?</p> <p>22 A. I'm not sure what you're asking.</p> <p>23 Q. Did you print out the records that were in</p> <p>24 electronic format to give to the attorneys?</p> <p>25 A. If there was an E-mail, they would have printed</p>	<p style="text-align: center;">20</p> <p>1 documents responsive to our requests, did you at any</p> <p>2 time review what they had gathered?</p> <p>3 A. No, I instructed them to share that information</p> <p>4 with the Attorney General's office.</p> <p>5 Q. Do you know if there were any documents</p> <p>6 responsive to number 5 that were submitted to your</p> <p>7 attorneys?</p> <p>8 A. I don't know the answer to that.</p> <p>9 Q. Okay. And I direct your attention to number 8.</p> <p>10 Did you or anyone in your office search for documents in</p> <p>11 response to number 8?</p> <p>12 A. Yes, my staff did.</p> <p>13 Q. Okay. And how many public documents were</p> <p>14 submitted to your attorneys responsive to request number</p> <p>15 8?</p> <p>16 A. I don't know the answer to that. It's included</p> <p>17 in the information that you have.</p> <p>18 Q. Okay.</p> <p>19 A. If I made a public statement, you've got it.</p> <p>20 Q. But do you not know the number of --</p> <p>21 A. No.</p> <p>22 Q. Okay. And look at number 11.</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Did you or anyone in your office search</p> <p>25 for documents responsive to number 11?</p>



<p style="text-align: center;">21</p> <p>1 A. Yes.</p> <p>2 Q. And how many documents were produced to your</p> <p>3 attorneys?</p> <p>4 A. I don't know how many were produced.</p> <p>5 Q. Do you know if any were produced?</p> <p>6 A. I know that there's one that's included in the</p> <p>7 information that we disclosed to you.</p> <p>8 Q. Okay. And could you describe that document to</p> <p>9 me, please?</p> <p>10 A. I think that there is a document that was</p> <p>11 disclosed to you that talked about how many prosecutions</p> <p>12 there had been in Harris County related to this in a</p> <p>13 statement from the Harris County District Attorney that</p> <p>14 was responsive to this question.</p> <p>15 Q. And do you recall how many prosecutions are</p> <p>16 mentioned in this document?</p> <p>17 A. I do not.</p> <p>18 Q. Okay. Is there a person in your legislative</p> <p>19 office who maintains records?</p> <p>20 A. I'm not sure what you're asking.</p> <p>21 Q. I'm talking about records and retention. Is</p> <p>22 there someone in your legislative office, in your --</p> <p>23 A. That's just in charge of that?</p> <p>24 Q. Yes.</p> <p>25 A. No.</p>	<p style="text-align: center;">23</p> <p>1 in accounting.</p> <p>2 Q. Okay. Are you a CPA?</p> <p>3 A. I am.</p> <p>4 Q. Okay. Any post college education?</p> <p>5 A. School of hard knocks, yeah.</p> <p>6 Q. And since when have you served in the Senate?</p> <p>7 A. I was elected in 2002.</p> <p>8 Q. And prior to that, were you a member of the Texas</p> <p>9 House?</p> <p>10 A. I was.</p> <p>11 Q. And the years of your service?</p> <p>12 A. I was elected in 1996, and I served in the House</p> <p>13 until I was elected to the Senate.</p> <p>14 Q. Had you pursued public office before your service</p> <p>15 as a member of the Texas House?</p> <p>16 A. No.</p> <p>17 Q. So, in 1996 when you were elected to the House,</p> <p>18 that was your first public office?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Could you describe the area encompassed by</p> <p>21 your district as District 4, The Woodlands?</p> <p>22 A. Do you want me to describe it as it is configured</p> <p>23 now or as it was configured before the current</p> <p>24 redistricting?</p> <p>25 Q. As it was configured before the current</p>
<p style="text-align: center;">22</p> <p>1 Q. And how are records maintained in your office?</p> <p>2 A. In accordance with state policy.</p> <p>3 Q. And what is the retention policy?</p> <p>4 A. I've instructed my staff to follow the state</p> <p>5 retention policy, and they do that so far as I know.</p> <p>6 Q. Okay. And do you know where papers filed since</p> <p>7 2005 are maintained at your office?</p> <p>8 A. Do I know?</p> <p>9 Q. Yes.</p> <p>10 A. No.</p> <p>11 Q. And how about electronic files, do you know where</p> <p>12 they are maintained?</p> <p>13 A. No.</p> <p>14 Q. So, you do not know if paper files or electronic</p> <p>15 files are maintained at your office or at another</p> <p>16 location?</p> <p>17 A. I don't know.</p> <p>18 Q. And as to the location where these records are</p> <p>19 maintained, that would be based on the state retention</p> <p>20 policy?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Could you briefly describe your</p> <p>23 educational background?</p> <p>24 A. I graduated from public high school and attended</p> <p>25 Texas A&amp;M University. I graduated from there with a BBA</p>	<p style="text-align: center;">24</p> <p>1 redistricting.</p> <p>2 A. It's Southeast Texas. It included all of Orange</p> <p>3 County, most of Jefferson County except for the City of</p> <p>4 Port Arthur, all of Chambers County except for the</p> <p>5 Intercoastal Waterway, all of Liberty County, portions</p> <p>6 of Harris County, from Kingwood, Atascocita and down to</p> <p>7 Baytown, and in Montgomery County, the south and eastern</p> <p>8 portions of the county, The Woodlands, east of Magnolia,</p> <p>9 New Caney and Porter.</p> <p>10 Q. And is this close to the Louisiana border?</p> <p>11 A. A portion of my district is close to the</p> <p>12 Louisiana border.</p> <p>13 Q. Okay. And what is the --</p> <p>14 A. It is the border with Louisiana, a portion of it</p> <p>15 was, yes, not in my current district but in the district</p> <p>16 I had before redistricting.</p> <p>17 Q. And the total population of your district before</p> <p>18 redistricting?</p> <p>19 A. I don't recall exactly what it was. I know I was</p> <p>20 about 20,000 under whatever the new target population</p> <p>21 was.</p> <p>22 Q. And could you describe the demographics of your</p> <p>23 district? And, again, I'm referring to your district</p> <p>24 before redistricting.</p> <p>25 A. Well, it's the people of Southeast Texas, and as</p>





<p style="text-align: center;">25</p> <p>1 far as the specific breakdown of -- if you're asking me</p> <p>2 about the ethnic makeup, I couldn't tell you off the top</p> <p>3 of my head what those numbers are.</p> <p>4 Q. Could you give me an estimate of the proportion</p> <p>5 of Hispanics, African Americans, Native Americans, Asian</p> <p>6 Americans in your district?</p> <p>7 A. I cannot.</p> <p>8 Q. And to which committees do you belong in the</p> <p>9 Senate?</p> <p>10 A. Presently or at the time that we considered this</p> <p>11 bill?</p> <p>12 Q. At the time SB14 was considered.</p> <p>13 A. That would have been the last legislative</p> <p>14 session?</p> <p>15 Q. Yes.</p> <p>16 A. I was a member of the Senate Finance Committee.</p> <p>17 I was a member of the Senate State Affairs Committee. I</p> <p>18 was a member of the International Relations and Trade</p> <p>19 Committee. And I was the Chairman of the Transportation</p> <p>20 and Homeland Security Committee. I was also a member of</p> <p>21 the Legislative Audit Committee, and then I served on</p> <p>22 several subcommittees on the Senate Finance Committee</p> <p>23 and on several conference committees during the session.</p> <p>24 Q. Okay. And since when have you -- what were the</p> <p>25 dates of your service in the State Affairs Committee?</p>	<p style="text-align: center;">27</p> <p>1 Americans, Asian Americans in your district?</p> <p>2 A. No. They are all my constituents no matter what</p> <p>3 color they are.</p> <p>4 Q. And do you know if State Affairs has been the</p> <p>5 sole committee that has considered voter ID bills since</p> <p>6 you have been in the Senate?</p> <p>7 A. I know that it has not been.</p> <p>8 Q. What other committees have considered voter ID</p> <p>9 bills?</p> <p>10 A. The Committee of the Whole.</p> <p>11 Q. Okay. And other than the Committee of the Whole</p> <p>12 and State Affairs, do you know of other committees which</p> <p>13 have considered voter ID bills?</p> <p>14 A. To my knowledge, no other committee in the Senate</p> <p>15 has considered that legislation.</p> <p>16 Q. Okay. Have you ever -- okay. Do you belong to</p> <p>17 any subcommittees of the State Affairs Committee?</p> <p>18 A. Not to my recollection.</p> <p>19 Q. And any special task forces or other groups that</p> <p>20 stem from the State Affairs Committee?</p> <p>21 A. I'm not sure what you're asking me.</p> <p>22 Q. If the State Affairs Committee appoints some of</p> <p>23 its members to look into a special issue and they</p> <p>24 constitute like a special subcommittee for consideration</p> <p>25 of a special issue, that's what I'm referring to.</p>
<p style="text-align: center;">26</p> <p>1 A. You know, I'd have to go back and look exactly.</p> <p>2 When I came in in 2002, I don't believe I was on the</p> <p>3 State Affairs Committee in the '03 session but I think</p> <p>4 in '05 -- maybe I was in '03 and '05 and then I was not</p> <p>5 in '07 and I was put -- maybe I wasn't in '09. I don't</p> <p>6 know exactly. I know there was one or two sessions that</p> <p>7 I was not on that committee and then I was put back on</p> <p>8 the committee. So, I don't remember the exact dates out</p> <p>9 of the five or six sessions that I've served in the</p> <p>10 Senate.</p> <p>11 Q. But --</p> <p>12 A. But it's a matter of public record.</p> <p>13 Q. Okay. Were you --</p> <p>14 A. It's easy enough to check.</p> <p>15 Q. Were you a member of the State Affairs Committee</p> <p>16 in 2009?</p> <p>17 A. I think I was. Can we look and see? It's of</p> <p>18 public record. I know I was in '11. I don't think I</p> <p>19 was in '09 but I don't remember.</p> <p>20 Q. Going back to your district demographics, are you</p> <p>21 aware of the demographics of your district post</p> <p>22 redistricting?</p> <p>23 A. Not specifically.</p> <p>24 Q. So, you wouldn't be able to tell me about the</p> <p>25 proportion of Hispanics, African Americans, Native</p>	<p style="text-align: center;">28</p> <p>1 A. And your question again is what?</p> <p>2 Q. During the time you have been a member of the</p> <p>3 State Affairs Committee, have you -- you told me that</p> <p>4 you have not been a member of any subcommittee of the</p> <p>5 State Affairs Committee. Have you been a member of any</p> <p>6 other group that's part of the State Affairs Committee?</p> <p>7 A. You know, I don't recall. I'd have to go back</p> <p>8 and check the record.</p> <p>9 Q. Okay.</p> <p>10 A. It's a matter of public record. If you really</p> <p>11 want to know, you can find out.</p> <p>12 We're going to have to get the temperature turned</p> <p>13 down in here.</p> <p>14 Q. Putting aside the voter photo ID bills, how many</p> <p>15 election-related bills have you sponsored or co-signed?</p> <p>16 A. I don't know.</p> <p>17 Q. And any voter photo ID bills that you have not</p> <p>18 co-sponsored or signed but that you have provided input</p> <p>19 for?</p> <p>20 A. What's your question?</p> <p>21 Q. Okay. Any election-related bills that you have</p> <p>22 not co-authored or co-signed that you have provided</p> <p>23 input to?</p> <p>24 MR. SWEETEN: Objection. Vague.</p> <p>25 A. I mean, I really don't know what it is you're</p>

<p style="text-align: center;">29</p> <p>1 asking me.</p> <p>2 Q. (BY MS. RIOS) You stated that you don't remember</p> <p>3 any other election-related bills you have sponsored or</p> <p>4 co-signed related to -- strike that.</p> <p>5 Okay.</p> <p>6 THE WITNESS: Could you read back her</p> <p>7 question and my response?</p> <p>8 (Whereupon, the requested testimony was read back</p> <p>9 as follows:</p> <p>10 QUESTION: Putting aside the voter photo ID</p> <p>11 bills, how many election-related bills have you</p> <p>12 sponsored or co-signed?</p> <p>13 ANSWER: I don't know.</p> <p>14 QUESTION: And any voter photo ID bills that you</p> <p>15 have not co-sponsored or signed but that you have</p> <p>16 provided input for?</p> <p>17 ANSWER: What's your question?</p> <p>18 QUESTION: Okay. Any election-related bills that</p> <p>19 you have not co-authored or co-signed that you</p> <p>20 have provided input to?</p> <p>21 MR. SWEETEN: Objection. Vague.</p> <p>22 ANSWER: I mean, I really don't know what it is</p> <p>23 you're asking me.)</p> <p>24 A. I think that covers what you're asking. I can't</p> <p>25 tell you.</p>	<p style="text-align: center;">31</p> <p>1 on as well, criminal justice issues and civil litigation</p> <p>2 issues. You know, you have to be a Jack of all trades</p> <p>3 in the Senate.</p> <p>4 Q. Yeah, you have to be a Jack of all trades but</p> <p>5 what are your primary areas of focus?</p> <p>6 MR. SWEETEN: Objection. Asked and</p> <p>7 answered.</p> <p>8 You can answer.</p> <p>9 A. I think I've already answered your question. I</p> <p>10 mean, you can check my legislative record, and I think</p> <p>11 it's pretty clear the issues that I've worked on span</p> <p>12 many different topics.</p> <p>13 Q. (BY MS. RIOS) Any signature initiatives that you</p> <p>14 can tell me about today?</p> <p>15 MR. SWEETEN: You can reveal any matters of</p> <p>16 public record in answering the question.</p> <p>17 A. Sure. I think, you know, we've done a lot of</p> <p>18 work trying to curb pill mills and the abuse of</p> <p>19 prescription drugs. That would be an issue I'm well</p> <p>20 known across the state for.</p> <p>21 Q. (BY MS. RIOS) Any others that you wish to share</p> <p>22 with us today?</p> <p>23 A. Transportation and homeland security related</p> <p>24 issues. I chair the committee, so, I've carried a lot</p> <p>25 of legislation related to that.</p>
<p style="text-align: center;">30</p> <p>1 Q. (BY MS. RIOS) Okay. You know, what I meant --</p> <p>2 my question about the input is have you talked to other</p> <p>3 legislators about voter ID bills that they have</p> <p>4 sponsored?</p> <p>5 A. I probably have but I don't -- I mean, I couldn't</p> <p>6 recall any specific conversation.</p> <p>7 Q. Did you talk to other legislators about mail-in</p> <p>8 fraud bills?</p> <p>9 MR. SWEETEN: You can answer as to whether</p> <p>10 you've had communications, if you recall them. Do not</p> <p>11 give the substance of any communications you've had</p> <p>12 regarding any of these bills because that would be a</p> <p>13 matter of legislative privilege.</p> <p>14 A. I may have but I don't recall any specific</p> <p>15 instance.</p> <p>16 Q. (BY MS. RIOS) Do you recall talking to other</p> <p>17 legislators about bills related to updating the voter</p> <p>18 registration rolls?</p> <p>19 MR. SWEETEN: Same instruction.</p> <p>20 A. I may have. I don't recall any specific</p> <p>21 conversation.</p> <p>22 Q. (BY MS. RIOS) What are your primary areas of</p> <p>23 focus as a State Senator?</p> <p>24 A. Well, I think my committees reflect the things</p> <p>25 that I work on, and there are other issues I've worked</p>	<p style="text-align: center;">32</p> <p>1 Q. Any others?</p> <p>2 A. Not in particular.</p> <p>3 Q. Are you familiar with the American Legislative</p> <p>4 Exchange Council?</p> <p>5 A. I am.</p> <p>6 Q. And what is it?</p> <p>7 A. It is a bipartisan group of legislators and</p> <p>8 people from the business community who get together</p> <p>9 periodically to work on state governance-related issues.</p> <p>10 Q. Okay. Do you have any affiliation with ALEC?</p> <p>11 A. I have attended some of their meetings. I'm not</p> <p>12 a regular attender.</p> <p>13 Q. Could you tell me how long have you been</p> <p>14 attending ALEC meetings?</p> <p>15 A. The first one I attended was probably after the</p> <p>16 1997 session but I couldn't tell you specifically</p> <p>17 without going back and looking at my calendar for the</p> <p>18 last 16 years.</p> <p>19 Q. Okay. And since 1997, approximately how many</p> <p>20 times have you attended ALEC meetings?</p> <p>21 A. I don't know.</p> <p>22 Q. Your scheduler would be able to provide that</p> <p>23 information to us?</p> <p>24 A. Probably.</p> <p>25 Q. Okay. And these meetings, do you attend the</p>





<p style="text-align: center;">33</p> <p>1 meetings approximately once a year or more often?</p> <p>2 A. Less often.</p> <p>3 Q. Less often? So, less often than once a year?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And do you know if other members of the</p> <p>6 Texas Legislature also attend ALEC meetings?</p> <p>7 A. Yes.</p> <p>8 Q. And who are these members?</p> <p>9 A. Well, you'd have to check with ALEC about it. I</p> <p>10 couldn't tell you who all attends.</p> <p>11 Q. Yes, but I'm asking about the members that you</p> <p>12 recall seeing at the meetings you have attended.</p> <p>13 A. I know Senator Fraser has attended, and I know</p> <p>14 that -- let's see. Who else have I seen there?</p> <p>15 Representative Chisum. That's all I can say for</p> <p>16 certain.</p> <p>17 Q. Okay.</p> <p>18 A. I know there are others but I can't recall</p> <p>19 whether it was that meeting or something else that I saw</p> <p>20 them at.</p> <p>21 Q. You describe ALEC as a bipartisan organization.</p> <p>22 Do you recall seeing any members of the Democratic side?</p> <p>23 A. I know there are Democrats who are members and</p> <p>24 who have attended.</p> <p>25 Q. Okay. Any names?</p>	<p style="text-align: center;">35</p> <p>1 A. That's correct.</p> <p>2 Q. Okay. Did you ever receive any documents from</p> <p>3 ALEC related to voter ID?</p> <p>4 A. I don't recall.</p> <p>5 Q. Did ALEC offer you any assistance on voter ID?</p> <p>6 A. No.</p> <p>7 Q. Okay. Did you solicit any assistance from ALEC</p> <p>8 related to voter ID?</p> <p>9 A. No.</p> <p>10 Q. Did you solicit any assistance from fellow ALEC</p> <p>11 members on voter ID?</p> <p>12 A. I don't -- I can't answer that because I know --</p> <p>13 I don't know who's a member of ALEC or who's active in</p> <p>14 ALEC that I might have worked with.</p> <p>15 Q. Okay. Let me rephrase that.</p> <p>16 Did you solicit any advice on voter ID from</p> <p>17 people who have attended ALEC events?</p> <p>18 A. Not to the best of my knowledge.</p> <p>19 Q. Okay. Did any people who attended ALEC events</p> <p>20 provide you with any documents related to voter ID?</p> <p>21 A. Not to my recollection.</p> <p>22 Q. Did any people who attended ALEC meetings provide</p> <p>23 you with any technical assistance on voter ID?</p> <p>24 A. Not to my knowledge.</p> <p>25 Q. Okay. Are you familiar with the National Council</p>
<p style="text-align: center;">34</p> <p>1 A. I can't recall, no.</p> <p>2 Q. And is ALEC an organization that is diverse in</p> <p>3 other ways?</p> <p>4 A. I don't know.</p> <p>5 Q. Do you know if there are members of racial or</p> <p>6 ethnic minorities who attend ALEC meetings?</p> <p>7 A. I believe there are.</p> <p>8 Q. Could you give me any names?</p> <p>9 A. No.</p> <p>10 Q. Do you have copies of the agendas or other</p> <p>11 documents that were distributed at the ALEC meetings you</p> <p>12 have attended?</p> <p>13 A. No.</p> <p>14 Q. Okay. Did you serve in any ALEC task forces?</p> <p>15 A. I may have.</p> <p>16 Q. You may have. Do you recall any specifics?</p> <p>17 A. No.</p> <p>18 Q. Do you recall when did you serve on these task</p> <p>19 forces?</p> <p>20 A. No.</p> <p>21 Q. And do you recall the -- what the task force is</p> <p>22 focused on?</p> <p>23 A. No.</p> <p>24 Q. So, you do not recall any issues discussed by</p> <p>25 these task forces?</p>	<p style="text-align: center;">36</p> <p>1 of State Legislators?</p> <p>2 A. I am.</p> <p>3 Q. And do you attend its meetings?</p> <p>4 A. I have attended some.</p> <p>5 Q. Okay. Could you tell me when did you attend</p> <p>6 these meetings?</p> <p>7 A. The only one I recall that I attended was in the</p> <p>8 summer of 1997 in Philadelphia, Pennsylvania.</p> <p>9 Q. Okay.</p> <p>10 A. That's the only one I recall attending.</p> <p>11 Q. Okay.</p> <p>12 A. I know I've -- I believe I've probably attended</p> <p>13 others but that's the only specific recollection I have.</p> <p>14 Q. And were these annual meetings that you attended</p> <p>15 or --</p> <p>16 A. I did not attend them annually.</p> <p>17 Q. You did not attend them annually?</p> <p>18 A. No.</p> <p>19 Q. But the meetings that you attended, were these</p> <p>20 like the annual meetings of the National Council?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And since 1997, do you recall how many</p> <p>23 other ones you attended?</p> <p>24 A. No.</p> <p>25 Q. Okay. And at these meetings with the National</p>



<p style="text-align: center;">37</p> <p>1 Council of State Legislators, did you attend these</p> <p>2 meetings with legislators from other states?</p> <p>3 A. There were legislators from other states in</p> <p>4 attendance, yes.</p> <p>5 Q. Okay. And did you solicit any advice on voter ID</p> <p>6 from the National Council of State Legislators?</p> <p>7 A. Not to my knowledge.</p> <p>8 Q. And did you solicit any advice from legislators</p> <p>9 that you met through the National Council of State</p> <p>10 Legislators?</p> <p>11 A. I don't recall that I did.</p> <p>12 Q. Okay. Were you provided any assistance on voter</p> <p>13 ID, you know, from the National Council of State</p> <p>14 Legislators?</p> <p>15 A. Not to my recollection.</p> <p>16 Q. Okay. And were you provided any assistance on</p> <p>17 voter ID from legislators you met through the National</p> <p>18 Council of State Legislators?</p> <p>19 A. Not to my knowledge.</p> <p>20 Q. Okay. When I asked you about your staff and who</p> <p>21 helped you conduct the search responsive to the notice</p> <p>22 of deposition, you mentioned your Chief of Staff, Janet</p> <p>23 Stiebens?</p> <p>24 A. Stieben, no S on the end, S T I E B E N.</p> <p>25 Q. Stieben. Okay. What are her responsibilities?</p>	<p style="text-align: center;">39</p> <p>1 matter? We're not talking about specific legislation</p> <p>2 here?</p> <p>3 MS. RIOS: As a general matter.</p> <p>4 MR. SWEETEN: Okay.</p> <p>5 A. Well, I'm well known as a fiscal and social</p> <p>6 conservative, and he is familiar with my voting record</p> <p>7 and how I represent my district, and he has overall</p> <p>8 responsibility in making sure that the research and</p> <p>9 recommendations are consistent with my beliefs.</p> <p>10 Q. (BY MS. RIOS) And since when has Mr. Baxter been</p> <p>11 your Legislative Director?</p> <p>12 A. I don't recall exactly. It would have been the</p> <p>13 '05 or the '07 session, 2005 or 2007.</p> <p>14 Q. Okay. Who of your staff has worked on photo ID</p> <p>15 issues or bills?</p> <p>16 MR. SWEETEN: You can answer as phrased.</p> <p>17 MS. RIOS: I'm asking who.</p> <p>18 MR. SWEETEN: And I'm letting him answer.</p> <p>19 A. Jason Baxter, Ryan La Rue, Amanda Montain. Those</p> <p>20 would be the people that principally have worked on it.</p> <p>21 Q. (BY MS. RIOS) Okay.</p> <p>22 A. There may have been others that, you know, helped</p> <p>23 in some peripheral way but they are the ones that had</p> <p>24 the primary responsibility.</p> <p>25 Q. And Mr. La Rue, what is his title?</p>
<p style="text-align: center;">38</p> <p>1 A. She's the Chief of Staff. She's in charge of all</p> <p>2 of the people in the office, making sure that the office</p> <p>3 runs on time, and she does my scheduling. She also</p> <p>4 edits all of our press releases and other duties as I</p> <p>5 might assign to her.</p> <p>6 Q. And since when has she worked in your office?</p> <p>7 A. Since 1996.</p> <p>8 Q. So, since you were elected to the House?</p> <p>9 A. Yes.</p> <p>10 Q. And Mr. Baxter, what are his responsibilities?</p> <p>11 A. He -- the biggest job that he has is making sure</p> <p>12 I'm prepared when I go to the floor, that we've got an</p> <p>13 analysis of the legislation that we're going to consider</p> <p>14 that day, and he also has overall responsibilities for</p> <p>15 reviewing the legislation that we're carrying in my</p> <p>16 office and the progress of that legislation and to</p> <p>17 monitor the legislative aids and make sure that their</p> <p>18 recommendations to me are consistent with my overall</p> <p>19 guidelines and that we're following the procedures of</p> <p>20 the Senate and, you know, just he has overall</p> <p>21 responsibility making sure the office flows along</p> <p>22 smoothly from a legislative standpoint.</p> <p>23 Q. What did you mean that the legislation is</p> <p>24 consistent with your overall guidance?</p> <p>25 MR. SWEETEN: Are you saying as a general</p>	<p style="text-align: center;">40</p> <p>1 A. Presently, he is the Committee Director for the</p> <p>2 Transportation and Homeland Security Committee. His</p> <p>3 name is spelled L A capital R U E.</p> <p>4 Q. And since when has he worked on your staff or is</p> <p>5 he assigned to the committee?</p> <p>6 A. Those are two different questions.</p> <p>7 Q. Yes. I'm asking does he work, you know, for you?</p> <p>8 Is he a member of your staff?</p> <p>9 A. Yes.</p> <p>10 Q. And since when has he been a member of your</p> <p>11 staff?</p> <p>12 A. Since he graduated from law school is when I</p> <p>13 hired him, and I don't remember exactly when that was.</p> <p>14 It was after the -- sometime after the '03 and '05</p> <p>15 session.</p> <p>16 Q. Okay. And is Mr. La Rue employed by you or by</p> <p>17 the committee?</p> <p>18 A. I think by both.</p> <p>19 Q. Okay. And since when has he served as the</p> <p>20 Committee Director?</p> <p>21 A. Since I was named as the Chairman of that</p> <p>22 committee in July preceding the last session.</p> <p>23 Q. Amanda Montain, what's her title?</p> <p>24 A. She's my General Counsel.</p> <p>25 Q. And since when has she served as your General</p>



<p style="text-align: center;">41</p> <p>1 Counsel?</p> <p>2 A. Since she graduated from law school.</p> <p>3 Q. And approximately when was this?</p> <p>4 A. I think that I named her General Counsel after</p> <p>5 the '09 session and before the 2011 session.</p> <p>6 Q. How often do you communicate with your staff?</p> <p>7 A. Well, it depends. I mean, frequently.</p> <p>8 Q. Okay. And how do you communicate with them?</p> <p>9 E-mail, phone?</p> <p>10 A. Mostly by phone or in person.</p> <p>11 Q. Do you communicate with them by E-mail?</p> <p>12 A. Yes, sometimes.</p> <p>13 Q. Okay. And do you have -- do you use your</p> <p>14 personal account or your government account?</p> <p>15 A. I have a personal E-mail account that most of the</p> <p>16 correspondence with my staff goes through when I'm not</p> <p>17 in Austin. When I'm in Austin, it's mostly face-to-face</p> <p>18 or on the phone.</p> <p>19 Q. And do you communicate with them by texting?</p> <p>20 A. I do.</p> <p>21 Q. Okay. And is this through your personal phone or</p> <p>22 a government phone?</p> <p>23 A. My personal phone.</p> <p>24 Q. And the communications with your staff, how often</p> <p>25 do you communicate with them when the legislation is not</p>	<p style="text-align: center;">43</p> <p>1 often do you communicate with other members of the</p> <p>2 legislature?</p> <p>3 A. Very infrequently.</p> <p>4 Q. And what means do you use to communicate with</p> <p>5 them?</p> <p>6 A. Telephonically most frequently. I might send</p> <p>7 them an E-mail. I might send them a text.</p> <p>8 Q. And when you communicate with members of your</p> <p>9 staff or other people using your personal E-mail</p> <p>10 account, do you save these messages?</p> <p>11 A. I don't save them -- are you asking if I save</p> <p>12 them in my personal E-mail?</p> <p>13 Q. Or somewhere else.</p> <p>14 A. No. Just until I clean my E-mail box out.</p> <p>15 Q. Do you save any messages under personal E-mail</p> <p>16 that are related to your role as a State Senator?</p> <p>17 A. No.</p> <p>18 Q. And do you save any messages on your personal</p> <p>19 phone or text messages, you know, related to your</p> <p>20 functions as State Senator?</p> <p>21 A. No.</p> <p>22 Q. So, when a search was conducted for documents</p> <p>23 responsive to our subpoena, were there any messages from</p> <p>24 your personal E-mail account or from your personal</p> <p>25 phone?</p>
<p style="text-align: center;">42</p> <p>1 in session?</p> <p>2 A. As needed.</p> <p>3 Q. As needed is how often?</p> <p>4 A. There's rarely a week that would go by that I</p> <p>5 wouldn't talk to them but there could be a week that I</p> <p>6 might not communicate with them at all.</p> <p>7 Q. And how often do you communicate with your staff</p> <p>8 on nonlegislative matters?</p> <p>9 A. Infrequently.</p> <p>10 Q. And what means do you use to communicate with</p> <p>11 your staff on nonlegislative matters?</p> <p>12 A. Mostly in person or on the telephone. I might</p> <p>13 send them a text.</p> <p>14 Q. And how often do you communicate with your staff</p> <p>15 on legislative matters?</p> <p>16 A. During the session, frequently. During the</p> <p>17 interim period, less frequently but rarely would a week</p> <p>18 go by that I might not speak to them about some matter,</p> <p>19 some member of the staff, not every member.</p> <p>20 Q. And how often do you communicate with other</p> <p>21 members of the legislature on legislative matters?</p> <p>22 A. During the session, frequently.</p> <p>23 Q. And through what means?</p> <p>24 A. Mostly in-person communication.</p> <p>25 Q. And when the legislature is not in session, how</p>	<p style="text-align: center;">44</p> <p>1 A. Not to my recollection, there weren't any.</p> <p>2 Q. There were --</p> <p>3 A. Are you asking if I searched or if there was</p> <p>4 anything that was found?</p> <p>5 Q. If you searched.</p> <p>6 A. I did.</p> <p>7 Q. And were those submitted?</p> <p>8 A. I don't believe there were any found that were</p> <p>9 responsive to your request.</p> <p>10 Q. Okay. But you indicated earlier that you don't</p> <p>11 save these messages, the messages to your staff from</p> <p>12 your personal phone or E-mail account?</p> <p>13 A. That's correct, but we searched anyway to be</p> <p>14 sure.</p> <p>15 Q. Do you have any retention -- do you follow any</p> <p>16 retention policy when it comes to messages in your</p> <p>17 personal E-mail account?</p> <p>18 A. No.</p> <p>19 Q. Do you follow any retention policy when it comes</p> <p>20 to messages in your personal phone?</p> <p>21 A. No.</p> <p>22 Q. Okay. Do you use your personal account so that</p> <p>23 these communications are not subject to the Texas public</p> <p>24 records retention policies or laws?</p> <p>25 A. No.</p>



<p style="text-align: center;">45</p> <p>1 Q. Do you follow the Texas public records retention</p> <p>2 laws and regulations when it comes to communications</p> <p>3 with your staff?</p> <p>4 MR. SWEETEN: Objection. Vague.</p> <p>5 A. I'm not going to answer the question.</p> <p>6 MR. SWEETEN: Well, no, you can answer</p> <p>7 subject to my instruction.</p> <p>8 A. You know, any time I communicate with a staff</p> <p>9 member, it would be -- on a legislative matter, it would</p> <p>10 be on their state E-mail, and that E-mail would be</p> <p>11 retained according to the state E-mail policies, and</p> <p>12 there's no need for me to retain it because there's a</p> <p>13 record of it then, and they follow whatever the state</p> <p>14 policy is.</p> <p>15 Q. (BY MS. RIOS) So, if there is a record, it would</p> <p>16 be on their end and not yours?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. And when you communicate with members of</p> <p>19 your staff, you communicate with their government</p> <p>20 accounts?</p> <p>21 A. If it's a legislative matter, I do.</p> <p>22 Q. And do you ever communicate with your staff to</p> <p>23 their personal accounts?</p> <p>24 A. I do.</p> <p>25 Q. Okay. Do any of those communications have to do</p>	<p style="text-align: center;">47</p> <p>1 have been six years prior to that in '07.</p> <p>2 Q. Okay. And what did you have to do in '07 to</p> <p>3 renew your driver's license?</p> <p>4 A. I don't recall.</p> <p>5 Q. Do you know if -- do you recall if you had to go</p> <p>6 to a driver's license office?</p> <p>7 A. I don't recall. I know that every 12 years, you</p> <p>8 have to go in and have your picture made and renew your</p> <p>9 license in person. I can't tell you the last time I did</p> <p>10 that. I know I follow the law.</p> <p>11 Q. Okay. So, you don't recall whether you did that</p> <p>12 in '07 or in 2001?</p> <p>13 A. That's correct.</p> <p>14 Q. Okay. And do you recall in 2001 and 2007 what</p> <p>15 were the hours of operation of the office you visited?</p> <p>16 A. I don't know. 8:00 to 5:00 I think is what they</p> <p>17 typically operate but I don't recall specifically.</p> <p>18 Q. And do you recall if you had to wait in line?</p> <p>19 A. I'm sure I did when I went in person.</p> <p>20 Q. Okay. And do you recall how long it was to wait</p> <p>21 in line?</p> <p>22 A. I do not.</p> <p>23 Q. Okay. And did you drive to get to this facility?</p> <p>24 A. I'm sure I did.</p> <p>25 Q. Okay. And if you had not gotten there by</p>
<p style="text-align: center;">46</p> <p>1 with legislative matters?</p> <p>2 A. No.</p> <p>3 Q. And who makes -- how do you make the call of</p> <p>4 whether it's a legislative or nonlegislative matter?</p> <p>5 A. It's never been a problem. We've always used --</p> <p>6 made sure that if we're discussing a legislative matter</p> <p>7 that at least on their side, the staff's side, there is</p> <p>8 a copy of all the communication.</p> <p>9 Q. Okay.</p> <p>10 A. It's never been an issue.</p> <p>11 Q. Okay. And did your staff members search their</p> <p>12 personal accounts to see if there was anything</p> <p>13 responsive to our notice of deposition?</p> <p>14 A. I'm sure they did.</p> <p>15 Q. Did you ask them to do that?</p> <p>16 A. Yes. It was a part of these instructions that</p> <p>17 would have been, yes.</p> <p>18 Q. And do you know if there was anything responsive</p> <p>19 in their personal accounts to our requests?</p> <p>20 A. I don't know.</p> <p>21 Q. When did you last renew your driver's license?</p> <p>22 A. I don't know. I can find out. I could look at</p> <p>23 it and tell you. Would you like me to do that?</p> <p>24 Q. Please do.</p> <p>25 A. It expires on my birthday in 2013, so, it would</p>	<p style="text-align: center;">48</p> <p>1 driving, how long would it -- do you recall how long it</p> <p>2 would have taken you to go to this facility?</p> <p>3 A. Well, I guess it would depend on what means</p> <p>4 besides driving I used, whether I was walking or riding</p> <p>5 a bicycle or taking a bus or asking a friend to drive</p> <p>6 me. So, I guess the answer is it would depend on how I</p> <p>7 got there.</p> <p>8 Q. And for -- do you have a copy of your birth</p> <p>9 certificate?</p> <p>10 A. I do.</p> <p>11 Q. And where would you go to get a copy of your</p> <p>12 birth certificate if you lost yours?</p> <p>13 A. I believe that I would have to go to the Harrison</p> <p>14 County courthouse and get it.</p> <p>15 Q. And do you know what would be the cost of a birth</p> <p>16 certificate?</p> <p>17 A. I have no idea.</p> <p>18 Q. And how would you get to the Harris County</p> <p>19 courthouse to get a replacement copy of your birth</p> <p>20 certificate?</p> <p>21 A. I wouldn't go to the Harris County courthouse.</p> <p>22 That's not what I said.</p> <p>23 Q. Okay. Where is it that you went?</p> <p>24 A. Harrison County courthouse.</p> <p>25 Q. Harrison County. Harrison County. And how would</p>



<p style="text-align: center;">49</p> <p>1 you get to Harrison County?</p> <p>2 A. Well, I would have to drive.</p> <p>3 Q. Drive?</p> <p>4 A. Or take a bus. You may be able to get it</p> <p>5 locally. I don't know the answer to that. I've had a</p> <p>6 copy since I've been enrolled in school.</p> <p>7 Q. Do you know if you could get a birth certificate</p> <p>8 by mail?</p> <p>9 A. You know, I don't know. Maybe.</p> <p>10 Q. Have you at any time done some research on how to</p> <p>11 get a replacement birth certificate?</p> <p>12 MR. SWEETEN: With respect to any research</p> <p>13 you've done, you can -- don't reveal matters that are</p> <p>14 subject to the legislative privilege. That would</p> <p>15 include thoughts, mental impressions, opinions,</p> <p>16 motivations about legislation, legislators that you may</p> <p>17 have spoke with, legislative staff members, state</p> <p>18 agencies, Texas Legislative Council or constituents.</p> <p>19 You can reveal as to matters of public</p> <p>20 record or to the extent it doesn't implicate that</p> <p>21 privilege.</p> <p>22 A. I know it was discussed in committee and it was</p> <p>23 also discussed on the floor when the legislation -- the</p> <p>24 voter ID legislation was debated. So, I know there was</p> <p>25 an extensive discussion about that.</p>	<p style="text-align: center;">51</p> <p>1 MR. SWEETEN: I think you're asking means.</p> <p>2 He's not going to reveal who he voted for, right?</p> <p>3 MS. RIOS: Oh, no. No.</p> <p>4 MR. SWEETEN: I think we're on the same</p> <p>5 page.</p> <p>6 A. You're asking by what means? I presented a photo</p> <p>7 ID.</p> <p>8 Q. (BY MS. RIOS) No. I'm asking you whether you</p> <p>9 voted in person at the polls, whether you voted early?</p> <p>10 A. I voted in person early during the early voting</p> <p>11 period.</p> <p>12 Q. Okay. And how far is your polling place from</p> <p>13 your house?</p> <p>14 A. Are you asking about my precinct or about where I</p> <p>15 voted early?</p> <p>16 Q. Where you voted early.</p> <p>17 A. Three miles probably, approximately three miles.</p> <p>18 Q. Okay. And do you ever vote at your polling place</p> <p>19 on election day?</p> <p>20 A. Sometimes.</p> <p>21 Q. And how far is your polling place -- your regular</p> <p>22 polling place from your house?</p> <p>23 A. Less than a mile.</p> <p>24 Q. Less than a mile. And how do you get from your</p> <p>25 home to your regular polling place?</p>
<p style="text-align: center;">50</p> <p>1 It's also my belief that every kid who is</p> <p>2 enrolled in school has to have a certified copy of their</p> <p>3 birth certificate. It's a fairly common requirement</p> <p>4 that you have that.</p> <p>5 Q. (BY MS. RIOS) But I'm asking you did you conduct</p> <p>6 any research on how to get a replacement?</p> <p>7 MR. SWEETEN: Okay. Once again, if this</p> <p>8 is -- if this relates to your thoughts, mental</p> <p>9 processes, opinions, motivations about legislation,</p> <p>10 don't reveal that subject matter.</p> <p>11 If it relates to matters of a public record</p> <p>12 and doesn't implicate the legislative privilege, you can</p> <p>13 answer.</p> <p>14 A. Only to the extent it was discussed in committee.</p> <p>15 Q. (BY MS. RIOS) So, you don't have any knowledge</p> <p>16 independent to what was discussed in committee?</p> <p>17 A. No.</p> <p>18 Q. And what committee was this?</p> <p>19 A. It would have been the Committee of the Whole or</p> <p>20 the Senate State Affairs Committee.</p> <p>21 Q. And what year?</p> <p>22 A. Either in '09 or '11.</p> <p>23 Q. Okay. And when was the last time you voted?</p> <p>24 A. It was May 29th.</p> <p>25 Q. And how did you vote on May 29th?</p>	<p style="text-align: center;">52</p> <p>1 A. I would walk or drive.</p> <p>2 Q. And when you voted on Tuesday at the -- when you</p> <p>3 voted for the primaries, how did you get to your early</p> <p>4 voting place from your home?</p> <p>5 A. Which primary?</p> <p>6 Q. The one on Tuesday, May the 29th.</p> <p>7 A. And would you repeat the question again?</p> <p>8 Q. How did you get from your home to your early</p> <p>9 voting site?</p> <p>10 A. I'm trying to recall because it's very near my</p> <p>11 office. I drove to the office, and I think that I</p> <p>12 stopped by there on the way back from lunch. So, I</p> <p>13 would have -- I think I drove. I have walked but I</p> <p>14 think this time I drove on May 29th as I was returning</p> <p>15 from an appointment or from lunch.</p> <p>16 Q. And, Mr. Williams, do you have any experience,</p> <p>17 you know, related to election administration?</p> <p>18 A. No.</p> <p>19 Q. So, you have never volunteered as a poll worker,</p> <p>20 an elections judge?</p> <p>21 A. No.</p> <p>22 Q. And what is your experience related to election</p> <p>23 law?</p> <p>24 MR. SWEETEN: Objection. Vague.</p> <p>25 A. The only experience I have is the experience I</p>





53

1 gained as a legislator.  
 2 Q. (BY MS. RIOS) Have you ever witnessed anyone try  
 3 to impersonate another voter?  
 4 A. Have I personally witnessed that?  
 5 Q. Yes.  
 6 A. No, not to my knowledge.  
 7 Q. Okay. And have you ever witnessed a noncitizen  
 8 vote?  
 9 A. Not to my knowledge.  
 10 Q. Have you ever challenged a voter's eligibility?  
 11 A. I have not.  
 12 Q. I'm going to show you what will be marked as  
 13 Exhibit 401.  
 14 (Exhibit 401 marked.)  
 15 Q. (BY MS. RIOS) This is an article from the NEW  
 16 YORK TIMES dated May 30th, 2009, and it's entitled The  
 17 Talk, and the Talk, and the Talk, of Austin. I bring to  
 18 your attention Page 2. And if you could look at the  
 19 paragraph towards the bottom of the page that begins  
 20 with, "Senator Tommy Williams."  
 21 A. Uh-huh.  
 22 Q. Okay. According to this article, you stated, "My  
 23 grandfather voted in the Democratic primary for 50 years  
 24 after he was dead."  
 25 A. That's correct.

54

1 Q. And how do you know about this?  
 2 A. My brother and my grandmother related that  
 3 information to me.  
 4 Q. Okay.  
 5 A. I believe that my brother testified about this in  
 6 the Committee of the Whole.  
 7 Q. And did you or anyone from your family take any  
 8 action in relation to the assertion that your  
 9 grandfather voted for 50 years after his death?  
 10 A. My brother and my grandmother tried several times  
 11 to get my grandfather removed from the rolls. She was  
 12 not successful, and she enlisted my brother to help her.  
 13 And he tried to also get him removed, and I don't  
 14 believe that he was successful in doing that.  
 15 Q. And it's removed from which rolls?  
 16 A. The voter rolls. He was dead. He died when my  
 17 mother was two.  
 18 Q. And what did he -- what year was this?  
 19 A. It would have been in the '30s.  
 20 Q. Okay. And these were the voter rolls from -- was  
 21 it from a county?  
 22 A. Harrison County.  
 23 Q. Harrison County. And how many times did your  
 24 grandmother and your brother try to get your grandfather  
 25 removed from the rolls?

55

1 A. You'd have to ask my brother. I don't know the  
 2 answer to that.  
 3 Q. Do you know if anyone was arrested, prosecuted or  
 4 convicted for -- did anyone vote for your grandfather  
 5 during these 50 years?  
 6 A. Apparently someone did.  
 7 Q. Okay. And do you know if anyone was arrested,  
 8 prosecuted or convicted for voting for your grandfather?  
 9 A. Not to my knowledge.  
 10 Q. Okay. And do you know how often someone voted  
 11 for your grandfather during these 50 years?  
 12 A. I do not have -- I do not know exactly.  
 13 Q. And what evidence do you have that a vote was  
 14 cast for your grandfather at any time during these  
 15 50 years?  
 16 A. My brother testified about it in committee.  
 17 Q. Does he have -- and what evidence did he have?  
 18 A. You would have to ask him about that.  
 19 Q. Did he have any copies of the voter rolls  
 20 indicating that a vote was cast?  
 21 A. You would have to ask him about that.  
 22 Q. Okay. And these were 50 years beginning in the  
 23 '30s?  
 24 A. Yes. I think it may have been more than  
 25 50 years.

56

1 Q. And do you know of any evidence that the -- that  
 2 your grandfather's name was on the rolls?  
 3 A. Yes. My grandmother received his voter  
 4 registration card, and when she called and tried to have  
 5 him removed and she told the person that he had been  
 6 dead for decades, they said, "No, ma'am, he voted in the  
 7 last election."  
 8 Q. Okay. Did she file a complaint?  
 9 A. I don't know. I don't know.  
 10 Q. Did your brother file a complaint?  
 11 A. I think that whatever he did is reflected in the  
 12 testimony that he gave before the Committee of the  
 13 Whole.  
 14 Q. Do you have any other evidence or information  
 15 that your brother did not include in his testimony?  
 16 A. No.  
 17 Q. Are you familiar with the National Voter  
 18 Registration Act?  
 19 A. I know -- I've heard of it. I don't know what  
 20 you mean by "familiar."  
 21 Q. Okay. Are you aware that the National Voter  
 22 Registration Act includes provisions about keeping the  
 23 voter rolls up to date and accurate?  
 24 A. I am.  
 25 Q. Okay. Do you know whether your grandmother or





<p style="text-align: center;">57</p> <p>1 your brother made any complaint under the National Voter 2 Registration Act? 3 A. And when was that act passed? 4 Q. That act passed -- that was in 1996. 5 A. I believe my grandmother was deceased at that 6 time. 7 Q. And by that time was your grandfather off the 8 voter rolls, do you know? 9 A. I don't know. 10 Q. You don't know? And so, when you stated, "My 11 grandfather voted in the Democratic primary for 50 years 12 after he was dead," was that, you know, based on what 13 your brother and your grandmother told you? 14 A. Yes. 15 Q. But do you have any personal knowledge that this 16 assertion is true? 17 A. I know that they were truthful when they told me 18 that. 19 Q. But do you -- 20 A. They would have no reason not to be. 21 Q. But do you have any evidence of this assertion? 22 MR. SWEETEN: Asked and answered. 23 You can go ahead and answer it. 24 A. All I have is what they told me. I believe it to 25 be true.</p>	<p style="text-align: center;">59</p> <p>1 that election laws comply with Section 5? 2 MR. SWEETEN: I'm going to object. I think 3 you're asking him matters that are subject to the 4 legislative privilege that would require him to reveal 5 his thoughts, mental impressions, opinions, motivations 6 about legislation and the furtherance of the legislative 7 process. 8 A. I'm not going to answer the question on advice of 9 counsel. 10 Q. (BY MS. RIOS) And when you said that, "Section 5 11 is something that we have to deal with," what did you 12 mean by that? 13 A. It's a -- what I meant was that it is a federal 14 law that is something that has to be considered in the 15 legislative process. 16 Q. And considered how? 17 MR. SWEETEN: I think when you're asking him 18 how he's considering it, you're asking him to reveal his 19 thoughts, mental impressions, opinions, motivations 20 about legislation and the furtherance of the legislative 21 process. Objection. Legislative privilege. Instruct 22 not to answer. 23 A. On the advice of counsel, I won't answer that 24 question. 25 Q. (BY MS. RIOS) Okay. Did you receive any legal</p>
<p style="text-align: center;">58</p> <p>1 Q. (BY MS. RIOS) Okay. Are you familiar with 2 Section 5 of the Voting Rights Act? 3 A. I know -- when you say "familiar," I'm not sure 4 what you mean by that. Can you clarify that? 5 Q. Do you know about Section 5 of the Voting Rights 6 Act? 7 A. Yes. 8 Q. And what is your understanding of Section 5 9 requirements? 10 A. My understanding of Section 5 requirements are 11 that it applies only to the states that were members of 12 the confederacy, and it requires those states to -- when 13 there is a change in election law, to preclear that 14 law -- the change in law with either the Justice 15 Department or the DC Court of Appeals. 16 Q. And do you believe that compliance with this 17 statute is important? 18 MR. SWEETEN: When you're answering the 19 question, don't reveal your thoughts, mental 20 impressions, opinions, motivations about legislation, 21 including Senate Bill 14, and don't reveal 22 communications that you've had that I've outlined. 23 A. It's something that we have to deal with as state 24 legislators. 25 Q. (BY MS. RIOS) And how does a legislator ensure</p>	<p style="text-align: center;">60</p> <p>1 advice on the elections-related legislation to ensure 2 compliance with Section 5? 3 MR. SWEETEN: You can -- go ahead. 4 MS. RIOS: I'm asking if he does receive 5 legal advice. I'm not asking about, you know, the 6 subject of this legal advice. 7 MR. SWEETEN: Okay. And so, I'm going to 8 let you answer a yes or no as to whether you've received 9 legal advice. Don't reveal the substance of the 10 conversation. 11 A. Yes. 12 Q. (BY MS. RIOS) And from whom did you receive this 13 legal advice? 14 A. It could be a number of sources. It could be a 15 member of my staff. It could be someone from the 16 Attorney General's office. It could be someone from the 17 Secretary of State's office. And it could be someone 18 from the staff of the committee -- from the State 19 Affairs Committee, for example, where that kind of 20 legislation is most frequently considered. 21 Q. Okay. And did you receive any legal advice on 22 Senate Bill 14 to ensure compliance with Section 5? 23 MR. SWEETEN: I think the question gets into 24 the substance of communication. I think he can -- and I 25 think he has indicated where he's received sources of</p>



<p style="text-align: center;">61</p> <p>1 legal advice but I think when we get into what the</p> <p>2 specifics are, I think that that's problematic from the</p> <p>3 legislative privilege standpoint. So, I'm going to</p> <p>4 object.</p> <p>5 MS. RIOS: I'm asking did he receive legal</p> <p>6 advice on Senate Bill 14 to ensure compliance with</p> <p>7 Section 5. That's --</p> <p>8 MR. SWEETEN: I think that's a little more</p> <p>9 than a general subject matter description. I'll</p> <p>10 allow -- I'll work with you to allow the question. If</p> <p>11 you're asking about whether he's received legal advice,</p> <p>12 he's given that. If he's received legal advice as to</p> <p>13 Senate Bill 14, he can answer that but then you say</p> <p>14 ensure compliance with Section 5, I think we're</p> <p>15 talking -- we're getting into more substance of the</p> <p>16 communication. So, I think if you can avoid that, then</p> <p>17 I'll let him answer the question.</p> <p>18 A. Would you like to rephrase the question?</p> <p>19 Q. (BY MS. RIOS) Okay. Did you receive any legal</p> <p>20 advice on Senate Bill 14?</p> <p>21 A. Yes.</p> <p>22 Q. From whom?</p> <p>23 A. From members of my staff, from the Secretary of</p> <p>24 State's office and from -- you know, I don't recall.</p> <p>25 There were probably other people who gave me legal</p>	<p style="text-align: center;">63</p> <p>1 and answered, and I think we're getting into -- he's</p> <p>2 already answered whether he's -- about that last issue.</p> <p>3 I think he's already done this. So, I don't want to</p> <p>4 keep -- I don't want to reveal the substance of the</p> <p>5 communications, and so, I'm going to instruct him at</p> <p>6 this point not to answer that question as phrased.</p> <p>7 A. On the advice of counsel, I'm not going to answer</p> <p>8 that question.</p> <p>9 MS. RIOS: What I'm asking was whether he</p> <p>10 requested this advice or whether this was given to him</p> <p>11 as a matter of course. I'm not --</p> <p>12 MR. SWEETEN: In other words, the advice</p> <p>13 that he answered the question on previously, in other</p> <p>14 words, whether he initiated the request or whether it</p> <p>15 was given, is that what you're asking?</p> <p>16 MS. RIOS: Yes.</p> <p>17 MR. SWEETEN: I'll let him answer in that</p> <p>18 context.</p> <p>19 A. I don't recall.</p> <p>20 Q. (BY MS. RIOS) Okay. What is Texas' current</p> <p>21 system for determining how to verify the identity of a</p> <p>22 voter who shows up at the polling place to vote?</p> <p>23 MR. SWEETEN: You can answer about current</p> <p>24 law.</p> <p>25 A. Current law provides that if you show up with a</p>
<p style="text-align: center;">62</p> <p>1 advice but I don't recall specifically.</p> <p>2 Q. And did you receive any legal advice on Senate</p> <p>3 Bill 14 about complying with Section 5?</p> <p>4 MR. SWEETEN: I mean, the Court has allowed</p> <p>5 a general subject matter description. Let me take a</p> <p>6 minute with him.</p> <p>7 (Short recess.)</p> <p>8 MR. SWEETEN: If you could repeat the</p> <p>9 question.</p> <p>10 (Whereupon, the requested testimony was read back</p> <p>11 as follows:</p> <p>12 QUESTION: And did you receive any legal advice</p> <p>13 on Senate Bill 14 about complying with Section</p> <p>14 5?)</p> <p>15 MR. SWEETEN: Okay. I'm going to allow him</p> <p>16 to answer it. I think that's a general subject matter.</p> <p>17 I'll allow him to give an answer.</p> <p>18 But don't reveal the substance of the</p> <p>19 communications.</p> <p>20 A. Yes.</p> <p>21 Q. (BY MS. RIOS) Okay. Did you specifically -- did</p> <p>22 you request advice on complying with Section 5 as it</p> <p>23 pertains to Senate Bill 14 or was this offered to you as</p> <p>24 a matter of course?</p> <p>25 MR. SWEETEN: I think this has been asked</p>	<p style="text-align: center;">64</p> <p>1 voter registration card, that is sufficient for you to</p> <p>2 vote in the election.</p> <p>3 Q. (BY MS. RIOS) Okay. And has this system failed</p> <p>4 to prevent voter fraud?</p> <p>5 MR. SWEETEN: In answering the question, do</p> <p>6 not reveal your thoughts, mental impressions, opinions</p> <p>7 or motivation about legislation or in furtherance of the</p> <p>8 legislative process, including Senate Bill 14. Don't</p> <p>9 reveal communications you've have with legislators, with</p> <p>10 legislative staff, with state agencies, Texas</p> <p>11 Legislative Council or constituents in answering the</p> <p>12 question.</p> <p>13 I'm not prohibiting you from answering based</p> <p>14 on matters of the public record. With that instruction,</p> <p>15 you can answer the question to the extent you're not</p> <p>16 revealing matters of legislative privilege.</p> <p>17 A. I think that I would refer you to the record that</p> <p>18 was taken in the Committee of the Whole when we took</p> <p>19 testimony on this bill, on this legislation, and I think</p> <p>20 there were a number of instances that were cited where</p> <p>21 it was believed that there was in-person voter fraud</p> <p>22 occurring in the state, and I think it's a matter of</p> <p>23 public record and you can see that.</p> <p>24 Q. (BY MS. RIOS) I'm aware of the public record,</p> <p>25 you know, Senator Williams, but we are taking your</p>



<p style="text-align: center;">65</p> <p>1 deposition, so, I am asking you about whether the</p> <p>2 current system has failed to prevent voter fraud?</p> <p>3 MR. SWEETEN: And I'm going to object based</p> <p>4 upon the legislative privilege for the reasons I've</p> <p>5 outlined previously but, again, he can answer based upon</p> <p>6 matters of public record. He's not going to reveal his</p> <p>7 thoughts, mental impressions, opinions or motivations</p> <p>8 about legislation in answering this question.</p> <p>9 A. There is information in the public record that</p> <p>10 there has been in-person voter fraud, in my opinion.</p> <p>11 That's what the record shows.</p> <p>12 In fact, I think in the last session of the</p> <p>13 legislature, I introduced an affidavit from someone who</p> <p>14 was paid to be someone else in the Progreso Independent</p> <p>15 School District. There was a sworn affidavit to that</p> <p>16 effect that they were paid and given a voter</p> <p>17 registration card to go vote.</p> <p>18 Q. (BY MS. RIOS) And this affidavit from the</p> <p>19 Progreso School District election, did it lead to any</p> <p>20 criminal charges or convictions?</p> <p>21 A. I don't know the answer to that.</p> <p>22 Q. Okay. Do you know if it's a matter of public</p> <p>23 record whether this affidavit led to any convictions</p> <p>24 or --</p> <p>25 A. I'm sure that it is.</p>	<p style="text-align: center;">67</p> <p>1 to a conviction before introducing it in the record?</p> <p>2 MR. SWEETEN: That calls for matters of</p> <p>3 legislative privilege, including his thoughts, mental</p> <p>4 impressions, opinions, motivations about legislation or</p> <p>5 in furtherance of the legislative process.</p> <p>6 I'm going to instruct him not to answer as</p> <p>7 to whether he felt it was important as to that issue.</p> <p>8 You can refer to matters in the public</p> <p>9 record, if possible, in answering the question.</p> <p>10 Otherwise, I'm going to instruct you not to answer based</p> <p>11 on the legislative privilege.</p> <p>12 A. I don't think I have anything further to say.</p> <p>13 Q. (BY MS. RIOS) Okay. If you forget your</p> <p>14 registration card on election day, can you show any</p> <p>15 other documents that will enable you to cast a ballot?</p> <p>16 MR. SWEETEN: You're asking under current</p> <p>17 law?</p> <p>18 MS. RIOS: Under current law.</p> <p>19 MR. SWEETEN: Okay. You can answer as to</p> <p>20 current law.</p> <p>21 A. Yes.</p> <p>22 Q. (BY MS. RIOS) What other documents can you show?</p> <p>23 A. A Texas driver's license, a passport. Any kind</p> <p>24 of photo identification that you might have would</p> <p>25 probably be sufficient.</p>
<p style="text-align: center;">66</p> <p>1 Q. Do you know if there were any convictions or even</p> <p>2 criminal charges?</p> <p>3 A. I've already answered that I didn't know. I</p> <p>4 don't know.</p> <p>5 Q. And other than this affidavit, any other evidence</p> <p>6 that the current system failed to prevent voter fraud?</p> <p>7 MR. SWEETEN: Again, don't reveal your</p> <p>8 thoughts, mental impressions, opinions or motivations</p> <p>9 about legislation or in furtherance of the legislative</p> <p>10 process, including Senate Bill 14. Do not reveal</p> <p>11 communications you've had with the individuals or</p> <p>12 entities that I've outlined previously. You can answer</p> <p>13 the question.</p> <p>14 A. I think that there were a number of instances</p> <p>15 where there was voter fraud that was in-person voter</p> <p>16 fraud that was cited during the course of the testimony</p> <p>17 that we took in committee.</p> <p>18 Q. (BY MS. RIOS) And were these allegations,</p> <p>19 complaints or convictions?</p> <p>20 A. They were complaints.</p> <p>21 Q. Complaints that led to convictions?</p> <p>22 A. I don't -- I can't tell you whether they led to</p> <p>23 convictions or not.</p> <p>24 Q. Didn't you think that it was important to know</p> <p>25 whether a complaint or the affidavit from Progreso led</p>	<p style="text-align: center;">68</p> <p>1 I also believe there's some other -- I'll refer</p> <p>2 you back to the legislation but there are other things,</p> <p>3 such as a utility bill and other things, a library card,</p> <p>4 things that you can show that might be sufficient.</p> <p>5 Q. The library card, the utility bill, these are</p> <p>6 documents that do not have a photograph?</p> <p>7 A. Yes.</p> <p>8 Q. And by presenting these documents, you would be</p> <p>9 allowed to vote?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. You told me about the affidavit, you know,</p> <p>12 from the Progreso school system and other allegations of</p> <p>13 impersonation at the polls. Any other problems with the</p> <p>14 current law?</p> <p>15 MR. SWEETEN: Objection. Calls for matters</p> <p>16 of legislative privilege, including requiring him to</p> <p>17 reveal his thoughts, mental impressions, opinions,</p> <p>18 motivation about legislation or in furtherance of the</p> <p>19 legislative process and/or communications that we've</p> <p>20 outlined previously.</p> <p>21 So, you can answer, if you can, to the</p> <p>22 extent you're not revealing matters of privilege.</p> <p>23 Otherwise, do not answer the question.</p> <p>24 THE WITNESS: Could I ask you to read her</p> <p>25 question back, please?</p>



<p style="text-align: center;">69</p> <p>1 (Whereupon, the requested testimony was read back 2 as follows: 3 QUESTION: Okay. You told me about the 4 affidavit, you know, from the Progreso school 5 system and other allegations of impersonation at 6 the polls. Any other problems with the current 7 law?) 8 MR. SWEETEN: Same objection and 9 instruction. 10 A. The problem with the current law is -- 11 MR. SWEETEN: Hold on a minute. Don't 12 answer if it's going to invade legislative privilege. 13 You can answer based on matters of public record but 14 you're not going to give your thoughts, mental 15 impressions or opinions or motivation about legislation 16 as you've asserted legislative privilege and that would 17 reveal legislative privilege. So, with that 18 instruction, you can proceed. 19 A. In the absence of a valid photo ID, there's no 20 way to determine if the person who is voting is who they 21 say they are. That's the problem. 22 Q. (BY MS. RIOS) Any other problems that you wish 23 to identify related to the current system? 24 A. No. 25 Q. When was Senate Bill 14 signed into law?</p>	<p style="text-align: center;">71</p> <p>1 privilege in answering it but you can answer. 2 A. It's a matter of public record that Democratic 3 Representative Debra Danburg introduced the bill. It 4 passed out of the House with over 140 votes, I believe, 5 that said if you didn't have your voter registration 6 card that you had to present a photo ID to be able to 7 vote, and I voted for that bill. 8 Q. (BY MS. RIOS) Do you know if this was the 9 bill -- 10 A. It may not have been '97. It may have been '99. 11 Q. So, in the absence of the voter registration 12 card, the bill provided that you should bring a photo 13 ID? 14 A. Right. 15 Q. And the voter registration card does not have a 16 photo? 17 MR. SWEETEN: You mean right now? You're 18 saying -- 19 MS. RIOS: Right now, yes. 20 MR. SWEETEN: -- the voter registration card 21 does not have a photo? 22 A. That's correct. 23 Q. (BY MS. RIOS) And when did you first hear 24 support for having just a photo voter identification 25 statute?</p>
<p style="text-align: center;">70</p> <p>1 A. You know, I don't know the exact date. 2 Q. Okay. 3 A. We could look at the bill if you have a copy of 4 it. I mean, it's a matter of public record. 5 Q. And do you know if elections have been held since 6 Senate Bill 14 was signed into law in July of 2011? 7 A. Yes. 8 Q. And has the Secretary of State enforced Senate 9 Bill 14? 10 A. I don't believe so. 11 Q. And are you aware of any problems or fraud that 12 have occurred since Senate Bill 14 was signed into law? 13 A. I don't have any specific knowledge. 14 MR. SWEETEN: Ms. Rios, I need to take a 15 bathroom break but I don't have to right now, just if 16 you get to a logical stopping place. 17 MS. RIOS: We can stop right now. 18 Off the record. 19 (Short recess.) 20 Q. (BY MS. RIOS) Okay. Mr. Williams, when did you 21 first hear any support for enacting a photo voter 22 identification statute in Texas? 23 A. 1997. 24 Q. '97. And what were the circumstances? 25 MR. SWEETEN: Don't reveal matters of</p>	<p style="text-align: center;">72</p> <p>1 MR. SWEETEN: You can reveal matters that 2 aren't subject to legislative privilege. 3 A. I don't recall. 4 Q. (BY MS. RIOS) Did any of your constituents raise 5 photo voter ID as an important issue to them? 6 MR. SWEETEN: Objection. You can reveal 7 whether or not you've had discussions with constituents, 8 the general matter of those but do not reveal the 9 substance of any communications you've had with 10 constituents. 11 A. I believe my constituents were very concerned. 12 Q. (BY MS. RIOS) And when did they express this 13 concern to you? 14 MR. SWEETEN: You can answer when. 15 A. I know it has been an issue that they've been 16 very concerned about during my entire tenure in the 17 Senate. 18 Q. (BY MS. RIOS) Since 2002? 19 A. (Witness indicated by nodding his head 20 affirmatively.) 21 Q. And how often have your constituents raised photo 22 ID as an important issue to them? 23 MR. SWEETEN: You can talk about the 24 frequency of communications you've had with your 25 constituents regarding the issue of voter ID. You can</p>



<p style="text-align: center;">73</p> <p>1 answer that question.</p> <p>2 A. I don't know. I can't tell you how often. I</p> <p>3 don't recall.</p> <p>4 Q. (BY MS. RIOS) Okay. What are the names of the</p> <p>5 constituents who have raised photo ID as an important</p> <p>6 issue for them?</p> <p>7 A. I don't recall their names.</p> <p>8 Q. Is there any record of constituents raising photo</p> <p>9 ID as an important issue for them?</p> <p>10 A. I don't know.</p> <p>11 Q. Do you have any -- I mean, did they raise their</p> <p>12 concern about photo ID in writing or orally?</p> <p>13 MR. SWEETEN: You can answer that.</p> <p>14 A. I know that I have heard it orally. I may have</p> <p>15 had written correspondence about it but I don't recall</p> <p>16 specifically.</p> <p>17 Q. (BY MS. RIOS) Do you know if this written</p> <p>18 correspondence was kept in your office?</p> <p>19 A. It would have been maintained subject to the</p> <p>20 requirements that we maintain in Texas but only to that</p> <p>21 extent.</p> <p>22 Q. Did any of your constituents bring you evidence</p> <p>23 of voter impersonation at the polls?</p> <p>24 MR. SWEETEN: I think you're asking him to</p> <p>25 reveal the substance of communications with</p>	<p style="text-align: center;">75</p> <p>1 you by someone other than a constituent.</p> <p>2 A. I think that my response -- my response is that</p> <p>3 to the extent that it's available in the public record,</p> <p>4 I've been made aware of instances of in-person voter</p> <p>5 fraud. And there's nothing that I can recall beyond</p> <p>6 that that's already a part of the public record.</p> <p>7 Q. (BY MS. RIOS) So, in the public record, you put</p> <p>8 the affidavit from the Progreso Independent School</p> <p>9 District. Did you put anything else in the public</p> <p>10 record?</p> <p>11 A. Specifically, I don't recall that I put it in but</p> <p>12 I know there was testimony from Harris County, and I</p> <p>13 don't recall how it got into the record but I recall</p> <p>14 that it is a matter of public record that there were a</p> <p>15 large number of people, maybe as many as 3400, that had</p> <p>16 voted who were not residents of the United States, and</p> <p>17 they were purged -- later purged from the rolls, and</p> <p>18 there was other testimony about that but it's all a part</p> <p>19 of the public record. All I know about is part of the</p> <p>20 public record.</p> <p>21 Q. Is the Progreso Independent -- is the Progreso</p> <p>22 School District in your district?</p> <p>23 A. It is not.</p> <p>24 Q. Okay. Where is the Progreso School District</p> <p>25 located?</p>
<p style="text-align: center;">74</p> <p>1 constituents. I think that would invade matters subject</p> <p>2 to the legislative privilege.</p> <p>3 So, as to evidence of the substance of the</p> <p>4 communication, I'm going to object on legislative</p> <p>5 privilege grounds.</p> <p>6 A. I don't think I can answer the question without</p> <p>7 violating a confidence of privilege.</p> <p>8 Q. (BY MS. RIOS) So, you cannot answer the question</p> <p>9 about whether they brought you evidence of voter</p> <p>10 impersonation?</p> <p>11 MR. SWEETEN: Same instruction.</p> <p>12 A. That's correct.</p> <p>13 Q. (BY MS. RIOS) Did other individuals or</p> <p>14 organizations bring you evidence of voter impersonation</p> <p>15 at the polls?</p> <p>16 MR. SWEETEN: Can you read the question</p> <p>17 back?</p> <p>18 (Whereupon, the requested testimony was read back</p> <p>19 as follows:</p> <p>20 QUESTION: Did other individuals or organizations</p> <p>21 bring you evidence of voter impersonation at the</p> <p>22 polls?)</p> <p>23 MR. SWEETEN: You can answer to the extent</p> <p>24 it's not a constituent which would be a resident in the</p> <p>25 State of Texas. You can answer if that was brought to</p>	<p style="text-align: center;">76</p> <p>1 A. In the Rio Grand Valley.</p> <p>2 Q. Have any groups or individuals brought you</p> <p>3 evidence of other types of voter fraud, meaning voter</p> <p>4 fraud that is unrelated to impersonation at the polls?</p> <p>5 MR. SWEETEN: Same instruction as to</p> <p>6 constituents, if it's not a constituent.</p> <p>7 A. I need to take a break and visit with counsel</p> <p>8 before I answer that question.</p> <p>9 MS. RIOS: Off the record.</p> <p>10 (Short recess.)</p> <p>11 THE WITNESS: Could I ask you to repeat the</p> <p>12 question to me, please?</p> <p>13 (Whereupon, the requested testimony was read back</p> <p>14 as follows:</p> <p>15 QUESTION: Have any groups or individuals brought</p> <p>16 you evidence of other types of voter fraud,</p> <p>17 meaning voter fraud that is unrelated to</p> <p>18 impersonation at the polls.)</p> <p>19 A. There are well-publicized accounts in my home</p> <p>20 county of Montgomery County of voter fraud that</p> <p>21 occurred, and I'm aware of that through the media, in a</p> <p>22 road utility district election.</p> <p>23 Q. (BY MS. RIOS) And what type of voter fraud did</p> <p>24 that pertain to?</p> <p>25 A. The accounts in the media were that the people --</p>





77

1 there were people who were voting in the election that  
2 claimed to be residents of the district that were not,  
3 in fact, residents of that district.

4 Q. So, people who -- anyone was charged or convicted  
5 for this?

6 A. I believe my recollection is that there was a  
7 conviction. I don't believe they've been sentenced yet  
8 but I don't know. It is a matter of public record.

9 Q. And this is unrelated to in-person voter  
10 impersonation at the polls, the situation that happened  
11 in Montgomery County?

12 A. I believe that it is. By the media accounts, I  
13 believe it is.

14 MS. RIOS: Patrick, I am going to ask some  
15 of the questions that I already asked with the caveat  
16 that it's our position that when constituents provide  
17 unsolicited evidence or allegations or complaints to the  
18 Senator, that is not protected by the legislative  
19 privilege. These are just communications and evidence  
20 that he could receive unrelated to the bills that he's  
21 working on.

22 MR. SWEETEN: Okay. And if -- and my  
23 instruction has been and will continue to be that to the  
24 extent you're asking him to reveal communications with  
25 constituents that that is a matter subject to the

78

1 legislative privilege.

2 So, the substance of those communications,  
3 what he talked about, I mean, there's -- that those  
4 would be covered by the privilege.

5 You can -- I'm certainly going to let you  
6 answer, as the Court order has addressed, the identity  
7 of constituents, the general subject matter description  
8 of the constituents and what they discussed, the date of  
9 the communication, the means and method, whether others  
10 were present. All those foundational questions are fine  
11 but I think the core of the legislative privilege  
12 includes as one element the constituent communication.  
13 So, I'm going to continue my instruction with respect to  
14 that issue.

15 Q. (BY MS. RIOS) Okay. Did your constituents bring  
16 you unsolicited evidence or complaints of voter  
17 impersonation at the polls?

18 MR. SWEETEN: You can answer if constituents  
19 brought you complaints. Again, the substance of the  
20 communication don't reveal but the facts around the  
21 communication, I'll let you answer.

22 A. Yes.

23 Q. (BY MS. RIOS) And who were these constituents  
24 who brought you evidence of voter impersonation at the  
25 polls?

79

1 MR. SWEETEN: You can answer the name of the  
2 constituent that's discussed this general subject matter  
3 issue with you.

4 A. There is one constituent that I recall  
5 specifically, and her name is Melinda Fredricks.

6 Q. (BY MS. RIOS) And when did Melinda Fredricks  
7 bring you evidence of voter impersonation at the polls?

8 A. During the consideration of Senate Bill 14,  
9 sometime during that legislative session. I don't  
10 recall the specific date or time.

11 Q. Did Melinda Fredricks bring you evidence of  
12 convictions or charges related to voter impersonation at  
13 the polls?

14 MR. SWEETEN: You don't have to answer the  
15 specifics of the communication. You've given a general  
16 subject matter description. So, I would instruct you  
17 not to answer on the basis of legislative privilege as  
18 to specific questions about the substance of those  
19 communications.

20 A. On the advice of counsel, I'm not going to answer  
21 that question.

22 Q. (BY MS. RIOS) Other than Melinda Fredricks, have  
23 other constituents brought you evidence of voter  
24 impersonation at the polls?

25 MR. SWEETEN: You can answer as phrased.

80

1 A. I don't have a specific recollection. They may  
2 have.

3 Q. (BY MS. RIOS) Have any organizations or  
4 community groups brought you evidence of voter  
5 impersonation at the polls?

6 MR. SWEETEN: Can you tell me the question  
7 again? I'm sorry.

8 (Whereupon, the requested testimony was read back  
9 as follows:

10 QUESTION: Have any organizations or community  
11 groups brought you evidence of voter  
12 impersonation at the polls?)

13 MR. SWEETEN: You can answer as phrased.

14 A. Only to the extent that it's a matter of the  
15 public record.

16 Q. (BY MS. RIOS) Okay.

17 A. I don't recall anything that's not in the public  
18 record.

19 Q. So, there was no evidence of voter fraud -- of  
20 voter impersonation brought by organizations or  
21 community groups to you other than what is in the public  
22 record?

23 MR. SWEETEN: Asked and answered.

24 Go ahead. You can answer.

25 A. That is correct.





<p style="text-align: center;">81</p> <p>1 Q. (BY MS. RIOS) Okay. Did voter impersonation at</p> <p>2 the polls become an important issue for you?</p> <p>3 MR. SWEETEN: You can reveal matters of the</p> <p>4 public record, not your mental impressions or thoughts</p> <p>5 but you can reveal matters of the public record in</p> <p>6 answering that question.</p> <p>7 A. Yes, it is an issue that I think is very</p> <p>8 important.</p> <p>9 Q. (BY MS. RIOS) And when did this issue become</p> <p>10 very important for you?</p> <p>11 A. I think that it is a matter of the public record</p> <p>12 that since I've been in the Senate, this has been an</p> <p>13 issue that I've taken a strong position on.</p> <p>14 Q. And why voter impersonation at the polls and not</p> <p>15 other types of voter fraud?</p> <p>16 MR. SWEETEN: Yeah, I'm going to object.</p> <p>17 You're asking him now to reveal his thoughts, mental</p> <p>18 impressions, opinions and motivations about legislation,</p> <p>19 and this includes Senate Bill 14. You're trying to get</p> <p>20 into his thought process. So, I'm going to object based</p> <p>21 on legislative privilege and instruct you not to answer</p> <p>22 the question.</p> <p>23 A. On the advice of counsel, I'm not going to answer</p> <p>24 that question.</p> <p>25 Q. (BY MS. RIOS) Are you aware of how many</p>	<p style="text-align: center;">83</p> <p>1 voter ID has been introduced into the</p> <p>2 legislature?)</p> <p>3 MR. SWEETEN: Okay. You can answer.</p> <p>4 A. I don't -- I don't specifically recall. I</p> <p>5 would -- I think it's the '03 session but I'm not -- I</p> <p>6 couldn't tell you for certain without going back and</p> <p>7 looking at the record.</p> <p>8 Q. (BY MS. RIOS) Do you have any independent</p> <p>9 recollection of any legislation introduced in '03?</p> <p>10 A. I do not.</p> <p>11 Q. And going back to the public record, do you know</p> <p>12 how many convictions for in-person voter fraud are in</p> <p>13 the public record?</p> <p>14 A. I do not have an independent recollection of</p> <p>15 that.</p> <p>16 Q. And do you have an independent recollection of</p> <p>17 how many investigations for in-person voter fraud are in</p> <p>18 the public record?</p> <p>19 A. I do not.</p> <p>20 Q. I'm going to show you what has been marked as</p> <p>21 Exhibit 44. That's the number we have used and that's</p> <p>22 the bill from '05. Do you recognize this bill?</p> <p>23 A. It appears to be a copy of House Bill 1706 from</p> <p>24 the 2005 session.</p> <p>25 Q. Were you involved in the development or drafting</p>
<p style="text-align: center;">82</p> <p>1 convictions for in-person voter fraud have been obtained</p> <p>2 in the last 20 years in Texas?</p> <p>3 MR. SWEETEN: You can answer as to matters</p> <p>4 of public record.</p> <p>5 A. Only to the extent it's been revealed in the</p> <p>6 public record. I don't have any knowledge other than</p> <p>7 what was discussed during the debate of the legislation.</p> <p>8 Q. (BY MS. RIOS) Are you aware of how many</p> <p>9 investigations for in-person voter fraud have been</p> <p>10 obtained in the last 20 years?</p> <p>11 MR. SWEETEN: Don't reveal matters of</p> <p>12 privilege. You can refer to matters of the public</p> <p>13 record.</p> <p>14 A. To the extent that it was discussed in committee</p> <p>15 or in the debate, yes, but I have no knowledge beyond</p> <p>16 that.</p> <p>17 Q. (BY MS. RIOS) Since you were elected to the</p> <p>18 Senate, when was the first time that a voter -- a photo</p> <p>19 voter ID has been introduced into the legislature?</p> <p>20 MR. SWEETEN: Can you read the question</p> <p>21 again?</p> <p>22 (Whereupon, the requested testimony was read back</p> <p>23 as follows:</p> <p>24 QUESTION: Since you were elected to the Senate,</p> <p>25 when was the first time that a voter -- a photo</p>	<p style="text-align: center;">84</p> <p>1 of House Bill 1706?</p> <p>2 A. I was a member of the Senate. This bill was</p> <p>3 drafted in the House.</p> <p>4 Q. But were you involved in any way in the drafting</p> <p>5 of House Bill --</p> <p>6 A. No.</p> <p>7 Q. Let me show you what has -- what will be marked</p> <p>8 as 402, which is the second revised privilege log dated</p> <p>9 May 23, 2012.</p> <p>10 MR. SWEETEN: Can I have a copy?</p> <p>11 MS. RIOS: Sure.</p> <p>12 MR. SWEETEN: Thank you.</p> <p>13 (Exhibit 402 marked.)</p> <p>14 Q. (BY MS. RIOS) The page that I'm bringing to your</p> <p>15 attention is Page 89, which is the last one, which is an</p> <p>16 excerpt, and I bring to your attention the second item</p> <p>17 on that page.</p> <p>18 A. Uh-huh.</p> <p>19 Q. Okay. Who is Jennifer Jackson?</p> <p>20 A. I don't know.</p> <p>21 Q. Do you know if she is a member of the TLC, the</p> <p>22 Texas Legislative Council?</p> <p>23 A. She may be.</p> <p>24 Q. Okay. And could you look at Pages 59 and 42?</p> <p>25 Those are the two preceding ones.</p>



<p style="text-align: center;">85</p> <p>1 A. I'm looking at Page 42.</p> <p>2 Q. And Page 59.</p> <p>3 A. Uh-huh.</p> <p>4 Q. They also list correspondence between Ms. Jackson</p> <p>5 and you. Do you know who Ms. Jackson is?</p> <p>6 A. You know, it would appear that she's a member of</p> <p>7 the Legislative Council after looking at this document.</p> <p>8 That's what it says and, you know, she may be. I</p> <p>9 don't -- I've never met her in person.</p> <p>10 Q. Okay. And did you receive materials related to</p> <p>11 voter ID from Attorney Jackson on or about May 5th,</p> <p>12 2005?</p> <p>13 A. I don't recall.</p> <p>14 Q. So, you do not recall receiving the materials</p> <p>15 listed on this privilege log?</p> <p>16 A. Not specific. I don't specifically recall.</p> <p>17 Q. Okay. And do you recall when was the first time</p> <p>18 that you contacted TLC about voter ID?</p> <p>19 A. I do not.</p> <p>20 Q. Do you remember -- do you recall if you contacted</p> <p>21 TLC about voter ID in 2005?</p> <p>22 A. I do not.</p> <p>23 Q. Do you recall if you contacted someone at the</p> <p>24 Secretary of State about voter ID in 2005?</p> <p>25 A. I do not recall specifically.</p>	<p style="text-align: center;">87</p> <p>1 allowed under this bill?</p> <p>2 A. I can read them to you out of this. They are</p> <p>3 listed in Section -- it says here 63.0101 B.</p> <p>4 Q. Okay.</p> <p>5 A. Do you want me to answer the question?</p> <p>6 Q. Okay. Well, you know, comparing Senate Bill 14</p> <p>7 with the forms of acceptable ID under this bill, does</p> <p>8 this bill include student ID cards?</p> <p>9 A. I'll have to look and see.</p> <p>10 It would appear that it does in Subsection 63 of</p> <p>11 63.010.</p> <p>12 Q. And how about in Senate Bill 14?</p> <p>13 A. I don't have that before me. I don't believe</p> <p>14 that it was a part of that bill. That's not my</p> <p>15 recollection that it was.</p> <p>16 Q. Okay. And does this bill include ID cards issued</p> <p>17 by Texas state agencies?</p> <p>18 A. Which bill are we talking about now?</p> <p>19 Q. 1706.</p> <p>20 A. It says in Section 1 that a driver's license or</p> <p>21 personal identification card issued to the person by the</p> <p>22 Department of Public Safety or the equivalent agency of</p> <p>23 another state that is not expired. Is that what you're</p> <p>24 asking me?</p> <p>25 Q. I'm looking at number 8.</p>
<p style="text-align: center;">86</p> <p>1 Q. Did you contact anyone in the Attorney General's</p> <p>2 office about voter ID in 2005?</p> <p>3 A. I do not recall specifically.</p> <p>4 Q. Any legislators?</p> <p>5 A. I don't have any specific recollection.</p> <p>6 Q. Any individuals or organizations?</p> <p>7 A. I don't have any specific recollection.</p> <p>8 Q. When did you begin to work on voter ID</p> <p>9 legislation?</p> <p>10 A. As I've previously stated, I believe that I voted</p> <p>11 on a voter ID bill in the '97 or '99 session when I was</p> <p>12 a member of the House. We would have reviewed the bill</p> <p>13 before we voted on it. And once I was elected to the</p> <p>14 Senate, I spent some time on it. That would be the</p> <p>15 first time that I worked on the legislation myself that</p> <p>16 I -- you know, a bill that I was working on.</p> <p>17 Q. Okay. Do you know what are the basic provisions</p> <p>18 of House Bill 1706?</p> <p>19 A. Only to the extent that it's a matter of the</p> <p>20 public record and the bill is before me. I don't know</p> <p>21 if this is the introduced version. I can't tell if this</p> <p>22 is an engrossed version or what. So, only to the extent</p> <p>23 that it -- what you've given me. I have no specific</p> <p>24 recollection of the provisions of this bill.</p> <p>25 Q. Do you know what forms of identification are</p>	<p style="text-align: center;">88</p> <p>1 A. Number 8. Okay. The identification card issued</p> <p>2 by a state agency of the state that contains the</p> <p>3 person's photograph.</p> <p>4 Q. Does Senate Bill 14 accept an identification card</p> <p>5 issued by the state agency of the state that contains</p> <p>6 the person's photograph?</p> <p>7 A. Unless I looked at the bill, I couldn't be</p> <p>8 certain. I don't believe that it does but I would have</p> <p>9 to look at the bill.</p> <p>10 Q. Okay. Does this bill allow for two forms of</p> <p>11 nonphoto ID to be used to verify a person's identity?</p> <p>12 A. It would appear that this bill allows several</p> <p>13 different things to be used as a form of identification</p> <p>14 if more than one can be produced.</p> <p>15 Q. Okay. Would two forms of nonphoto ID verify</p> <p>16 someone's identity?</p> <p>17 MR. SWEETEN: Don't answer the question. It</p> <p>18 would require you to reveal your thoughts, mental</p> <p>19 impressions, opinions and motivations about legislation</p> <p>20 or furtherance of the legislative process and, as such,</p> <p>21 would be subject to the legislative privilege.</p> <p>22 A. On the advice of counsel, I'm not going to answer</p> <p>23 that question.</p> <p>24 Q. (BY MS. RIOS) Do you believe that only a photo</p> <p>25 ID would verify a person's identity?</p>



<p style="text-align: center;">89</p> <p>1 MR. SWEETEN: Same objection. Same</p> <p>2 instruction.</p> <p>3 A. Based on the advice of counsel, I'm not going to</p> <p>4 answer that question.</p> <p>5 Q. (BY MS. RIOS) Are you aware of the purpose of</p> <p>6 House Bill 1706?</p> <p>7 MR. SWEETEN: You can testify about the</p> <p>8 general purpose, if you're aware.</p> <p>9 A. House Bill 1706 says that it is a bill to be</p> <p>10 entitled an act relating to requiring a voter to present</p> <p>11 proof of identification.</p> <p>12 Q. Okay. And does House Bill 1706 address that</p> <p>13 issue?</p> <p>14 MR. SWEETEN: You're asking does the text of</p> <p>15 the bill address this issue that he just said, is that</p> <p>16 the question?</p> <p>17 MS. RIOS: Yes.</p> <p>18 MR. SWEETEN: You can answer based on the</p> <p>19 text of the bill.</p> <p>20 A. This was -- House Bill 1706 was an attempt to</p> <p>21 address this requirement.</p> <p>22 Q. (BY MS. RIOS) Okay.</p> <p>23 A. I don't recall specifically but I don't think</p> <p>24 this was passed into law. I don't know specifically</p> <p>25 without going back and looking at the record. I can't</p>	<p style="text-align: center;">91</p> <p>1 A. I don't specifically recall this bill.</p> <p>2 Q. Okay. This bill was referred to State Affairs,</p> <p>3 the Senate Committee in May of 2005. Were you serving</p> <p>4 on the committee at the time?</p> <p>5 A. It's a matter of public record whether I was or</p> <p>6 not. I think I probably was.</p> <p>7 Q. Okay. And do you know what happened to House</p> <p>8 Bill 1706 after it was referred to the Senate Committee</p> <p>9 on State Affairs?</p> <p>10 A. I do not have a specific recollection.</p> <p>11 Q. Did you take a public position on House Bill</p> <p>12 1706?</p> <p>13 A. I don't recall.</p> <p>14 Q. Okay. And do you recall talking to anyone,</p> <p>15 either within or outside government, regarding House</p> <p>16 Bill 1706?</p> <p>17 A. I have no specific recollection.</p> <p>18 Q. Did you talk to your constituents about House</p> <p>19 Bill 1706?</p> <p>20 A. I have no specific recollection.</p> <p>21 Q. And did you or your office conduct any analysis</p> <p>22 related to House Bill 1706?</p> <p>23 MR. SWEETEN: I'm sorry, could you read that</p> <p>24 back, please?</p> <p>25 (Whereupon, the requested testimony was read back</p>
<p style="text-align: center;">90</p> <p>1 tell by looking at this bill.</p> <p>2 Q. Okay. And are you aware of whether House Bill</p> <p>3 1706 -- did it have the purpose to prevent noncitizen</p> <p>4 voting?</p> <p>5 MR. SWEETEN: You can testify as to the</p> <p>6 general purpose of the bill. In fact, the Court order</p> <p>7 says that to the extent such privilege exists, the</p> <p>8 privilege does not protect testimony with respect to the</p> <p>9 general purpose or the purpose of the legislature as a</p> <p>10 whole in enacting Senate Bill 14 as opposed to the</p> <p>11 subjective intent of the legislature. So, you can</p> <p>12 testify as to the general purpose of the bill.</p> <p>13 THE WITNESS: Would you repeat the question</p> <p>14 that she asked?</p> <p>15 (Whereupon, the requested testimony was read back</p> <p>16 as follows:</p> <p>17 QUESTION: Okay. And are you aware of whether</p> <p>18 House Bill 1706 -- did it have the purpose to</p> <p>19 prevent noncitizen voting?)</p> <p>20 A. You know, I don't know the answer to that</p> <p>21 question without looking at it more, without further</p> <p>22 studying. Do you want me to read it and try to</p> <p>23 determine?</p> <p>24 Q. (BY MS. RIOS) Well, I'm asking based on your</p> <p>25 recollection.</p>	<p style="text-align: center;">92</p> <p>1 as follows:</p> <p>2 QUESTION: And did you or your office conduct any</p> <p>3 analysis related to House Bill 1706?)</p> <p>4 MR. SWEETEN: Object to the question as</p> <p>5 vague as to the term "analysis."</p> <p>6 Don't reveal any communications you've had</p> <p>7 with your staff on this issue. You can answer the</p> <p>8 question.</p> <p>9 A. I don't have any specific recollection of this</p> <p>10 bill from the 2005 session.</p> <p>11 Q. (BY MS. RIOS) Okay. Do you know if a photo ID</p> <p>12 bill was introduced in the legislative session in 2007?</p> <p>13 A. I don't have a specific recollection.</p> <p>14 Q. Okay. So, let me give you a copy of House Bill</p> <p>15 218, which will be marked as 403.</p> <p>16 (Exhibit 403 marked.)</p> <p>17 Q. (BY MS. RIOS) And this is House Bill 218</p> <p>18 relating to requiring a voter to send proof of</p> <p>19 identification. Do you recognize this bill?</p> <p>20 A. I see that you have provided me with a copy of</p> <p>21 the legislation. I have no idea if this is the</p> <p>22 introduced version, if it's the --</p> <p>23 Q. It's the engrossed version.</p> <p>24 A. And how would I know that by looking at this?</p> <p>25 Q. It's the engrossed version.</p>



<p style="text-align: center;">93</p> <p>1 A. How would I know that? It doesn't say that on</p> <p>2 here.</p> <p>3 Q. It has been represented to us as that.</p> <p>4 MR. SWEETEN: You can answer based on your</p> <p>5 knowledge.</p> <p>6 A. And so, you're representing to me that it's the</p> <p>7 engrossed version of House Bill 218, and it's clearly a</p> <p>8 copy of that bill.</p> <p>9 Q. (BY MS. RIOS) Did you or your staff play a role</p> <p>10 in the development of House Bill 218?</p> <p>11 MR. SWEETEN: Objection. Vague.</p> <p>12 You can answer.</p> <p>13 A. I don't have any specific recollection of working</p> <p>14 on this bill.</p> <p>15 Q. (BY MS. RIOS) Okay. Were you present at any</p> <p>16 meetings during the development of House Bill 218?</p> <p>17 A. I have no specific recollection.</p> <p>18 Q. And do you know what is the purpose of House Bill</p> <p>19 218?</p> <p>20 A. It says in the opening paragraph that it is a</p> <p>21 bill to be entitled an act relating to requiring a voter</p> <p>22 to present proof of identification.</p> <p>23 Q. And what is the purpose of that bill?</p> <p>24 A. I just read it to you.</p> <p>25 Q. So, this is just a bill requiring a voter to</p>	<p style="text-align: center;">95</p> <p>1 Q. Okay. Let me show you Exhibit 45. This is a</p> <p>2 declaration of Senator Uresti. Bring to your attention</p> <p>3 paragraph 52 states, "During 2007, House Bill 218 was</p> <p>4 considered by the Senate."</p> <p>5 A. Uh-huh.</p> <p>6 Q. Okay. And then I bring to your attention number</p> <p>7 6.</p> <p>8 A. Uh-huh.</p> <p>9 Q. And that's the paragraph when Senator Uresti</p> <p>10 explained that he was sick with flu --</p> <p>11 A. Uh-huh.</p> <p>12 Q. -- and that he reviewed the Senate calendar and</p> <p>13 it indicated that the Senate would debate</p> <p>14 noncontroversial local legislation in the morning. "I</p> <p>15 then called the office of Patsy Spaw, the Secretary of</p> <p>16 the Senate, to tell her that I would be arriving at the</p> <p>17 Senate by late afternoon. I also called the offices of</p> <p>18 Senator Jane Nelson and Senator Tommy Williams to inform</p> <p>19 them that I would be arriving late because of my</p> <p>20 illness." Do you know why Senator Uresti called your</p> <p>21 office?</p> <p>22 MR. SWEETEN: Objection. Assumes facts not</p> <p>23 in evidence. Objection. It's compound. And objection.</p> <p>24 Calls for speculation.</p> <p>25 To the extent you can answer the question as</p>
<p style="text-align: center;">94</p> <p>1 present proof of identification?</p> <p>2 A. That's what it says.</p> <p>3 Q. And why?</p> <p>4 MR. SWEETEN: Objection to the question as</p> <p>5 vague.</p> <p>6 And don't reveal any thoughts, mental</p> <p>7 impressions or opinions, motivations about legislation.</p> <p>8 And I think that -- I mean, he can answer as</p> <p>9 to the general purpose he knows but he doesn't have to</p> <p>10 provide additional information other than the general</p> <p>11 purpose of the bill, which he has tried to answer.</p> <p>12 A. My suggestion to you is that you talk to Brown,</p> <p>13 Berman, Bohac, Riddle, et al, who drafted the bill.</p> <p>14 Q. (BY MS. RIOS) Okay. After the House passed Bill</p> <p>15 218, it was considered by the Senate and it was referred</p> <p>16 to the State Affairs Committee. Were you a member of</p> <p>17 the committee in 2007?</p> <p>18 A. I don't know.</p> <p>19 Q. Okay. Do you know whether the Senate Committee</p> <p>20 held a hearing on House Bill 218?</p> <p>21 A. I don't have any specific recollection.</p> <p>22 Q. Do you know if the Senate voted on House Bill</p> <p>23 218?</p> <p>24 A. I don't have a specific recollection of this</p> <p>25 bill.</p>	<p style="text-align: center;">96</p> <p>1 posed, you can do so.</p> <p>2 A. I have no idea.</p> <p>3 Q. (BY MS. RIOS) Were you in a leadership position</p> <p>4 in 2007?</p> <p>5 A. I believe I was Chair of the Republican Caucus.</p> <p>6 Q. Besides the Republican Caucus, did you have any</p> <p>7 other committee chair or subcommittee chair positions?</p> <p>8 A. I don't have a specific recollection without</p> <p>9 going back. I don't believe I was a chair of anything</p> <p>10 in '07 except the Republican Caucus.</p> <p>11 Q. Okay. Are you aware why Senator Uresti would</p> <p>12 call you to inform you that he would be arriving late</p> <p>13 because of illness?</p> <p>14 MR. SWEETEN: Objection. It calls for</p> <p>15 speculation.</p> <p>16 You can answer to the extent -- also --</p> <p>17 yeah, you can answer.</p> <p>18 A. I have no idea why he would call me.</p> <p>19 Q. (BY MS. RIOS) Okay. In 2007, during the</p> <p>20 legislative session, did you take any public position as</p> <p>21 to House Bill 218?</p> <p>22 A. Well, I think that it's a matter of public record</p> <p>23 that I supported this bill. And now that I have it in</p> <p>24 context and assuming Senator Uresti's affidavit is</p> <p>25 correct, then yes, I would have been supporting 218. I</p>



<p style="text-align: center;">97</p> <p>1 don't have a copy of it here, do I?</p> <p>2 Yeah, I'm sure I was in support of it.</p> <p>3 Q. And what was the purpose of House Bill 218?</p> <p>4 A. To prevent in-person voter fraud.</p> <p>5 Q. Okay. Any other purpose?</p> <p>6 A. You can read the bill. It says it's relating to</p> <p>7 requiring a voter to present proof of identification. I</p> <p>8 think that's self-explanatory.</p> <p>9 Q. And how would House Bill 218 prevent in-person</p> <p>10 voter fraud?</p> <p>11 MR. SWEETEN: In answering that, that would</p> <p>12 ask you to reveal your mental impressions, thoughts</p> <p>13 about legislation and in furtherance of the legislative</p> <p>14 process, so, I instruct you not to answer that question</p> <p>15 except to the extent you can refer to matters of the</p> <p>16 public record.</p> <p>17 A. I think other than what I stated publicly and</p> <p>18 what was said in committee that's a part of the public</p> <p>19 record, there's nothing else that I -- I don't have any</p> <p>20 other impressions or recollections beyond that.</p> <p>21 Q. (BY MS. RIOS) Okay. Did you or your office</p> <p>22 conduct any analysis prior to taking a position on</p> <p>23 Senate Bill 218?</p> <p>24 MR. SWEETEN: I'm going to object and</p> <p>25 instruct you not to answer based upon legislative</p>	<p style="text-align: center;">99</p> <p>1 that they're protected by legislative privilege.</p> <p>2 A. It would be a matter of public record in the</p> <p>3 committee. I feel certain that the Secretary of State</p> <p>4 came and trans -- or someone from that office may have</p> <p>5 given testimony, possibly from the Attorney General's</p> <p>6 office but it's a matter of public record. That would</p> <p>7 have been the only conversations I would have had would</p> <p>8 have been in the committee hearing.</p> <p>9 Q. (BY MS. RIOS) Did you have any conversations</p> <p>10 outside the committee hearing?</p> <p>11 A. I don't have any specific recollection of that.</p> <p>12 Q. Did you consult the -- did you have any</p> <p>13 conversations with the Texas Legislative Council about</p> <p>14 House Bill 218?</p> <p>15 A. I don't have a specific recollection of that.</p> <p>16 Q. Did you have any conversations with the</p> <p>17 Lieutenant Governor about House Bill 218?</p> <p>18 A. I don't have a specific recollection of that.</p> <p>19 Q. Did you have any conversations about House Bill</p> <p>20 218 with the State Attorney's office?</p> <p>21 A. I don't have any specific recollection of that.</p> <p>22 Q. And with the Secretary of State?</p> <p>23 A. You know, I don't have a specific recollection.</p> <p>24 If there was any discussion, I reiterate again, it would</p> <p>25 have been in the committee process where this bill was</p>
<p style="text-align: center;">98</p> <p>1 privilege. To the extent you can refer to matters of</p> <p>2 the public record, you can do so.</p> <p>3 A. On the advice of counsel, I don't think I can</p> <p>4 answer that question.</p> <p>5 Q. (BY MS. RIOS) Did you or your office conduct any</p> <p>6 analysis on the impact of House Bill 218 on minority</p> <p>7 voters?</p> <p>8 MR. SWEETEN: Same objection and instruction</p> <p>9 based upon the legislative privilege.</p> <p>10 A. I don't believe I can answer that question, on</p> <p>11 the advice of counsel.</p> <p>12 Q. (BY MS. RIOS) Okay. Did you talk to any</p> <p>13 election officials about House Bill 218?</p> <p>14 MR. SWEETEN: You can answer as phrased.</p> <p>15 A. To the extent it was discussed in committee, that</p> <p>16 would be the only recollection I have of talking to any</p> <p>17 election officials. I think that's what you asked. Is</p> <p>18 that correct?</p> <p>19 Q. (BY MS. RIOS) Yes.</p> <p>20 A. Okay.</p> <p>21 Q. Who do you recall talking to about House Bill</p> <p>22 218?</p> <p>23 A. Well --</p> <p>24 MR. SWEETEN: You can answer but don't</p> <p>25 reveal the substance of the communications to the extent</p>	<p style="text-align: center;">100</p> <p>1 heard, assuming I was a member of the committee, and</p> <p>2 then only to the extent that the bill was debated on the</p> <p>3 floor. All I have -- the only discussions I would have</p> <p>4 had would have been a matter of public record.</p> <p>5 Q. And when you say that you don't have a specific</p> <p>6 recollection, that means that you don't have a</p> <p>7 recollection?</p> <p>8 A. That's what it means.</p> <p>9 Q. Okay. Were there any concerns about the impact</p> <p>10 House Bill 218 would have on minority voters?</p> <p>11 MR. SWEETEN: Don't reveal -- in answering</p> <p>12 the question, don't reveal your thoughts, your mental</p> <p>13 impressions, your opinions, your motivations about</p> <p>14 legislation, including this bill, and don't reveal</p> <p>15 communications you've had with staff, with other</p> <p>16 legislators, state agencies, the Legislative Council or</p> <p>17 constituents. You can refer to matters of the public</p> <p>18 record in answering this question.</p> <p>19 THE WITNESS: Would you repeat the question,</p> <p>20 please?</p> <p>21 (Whereupon, the requested testimony was read back</p> <p>22 as follows:</p> <p>23 QUESTION: Okay. Were there any concerns about</p> <p>24 the impact House Bill 218 would have on minority</p> <p>25 voters?)</p>





<p style="text-align: center;">101</p> <p>1 MR. SWEETEN: Same instruction.</p> <p>2 A. Yes, my only knowledge would be that that's a</p> <p>3 matter of the public record, and I know that there were</p> <p>4 some members who may have publicly expressed that but I</p> <p>5 don't have a specific recollection.</p> <p>6 Q. (BY MS. RIOS) So, you do not recall?</p> <p>7 A. I think I've answered your question.</p> <p>8 Q. Would you agree that part of the purpose of House</p> <p>9 Bill 218 was to prevent noncitizens from voting?</p> <p>10 A. I should look at it again.</p> <p>11 MR. SWEETEN: I'm going to object to the</p> <p>12 question as asked and answered. He's already expressed</p> <p>13 his answer as to the general purpose of the bill.</p> <p>14 I'm not instructing you not to answer.</p> <p>15 A. My answer is the same, that it would appear to me</p> <p>16 the purpose of this bill is to prevent in-person voter</p> <p>17 fraud. It clearly says that it is a bill to be entitled</p> <p>18 an act relating to requiring a voter to present proof of</p> <p>19 identification.</p> <p>20 Q. (BY MS. RIOS) Okay. Would House Bill 218</p> <p>21 prevent noncitizen voting?</p> <p>22 MR. SWEETEN: Now you're going beyond the</p> <p>23 general. He can answer questions as to the general</p> <p>24 purpose of the bill. He's not going to reveal his</p> <p>25 thoughts, mental impressions, opinions or motivations</p>	<p style="text-align: center;">103</p> <p>1 back?</p> <p>2 (Whereupon, the requested testimony was read back</p> <p>3 as follows:</p> <p>4 QUESTION: But why would a voter need to present</p> <p>5 proof of ID to vote?)</p> <p>6 MR. SWEETEN: Objection. It calls for him</p> <p>7 to reveal matters subject to the legislative privilege.</p> <p>8 A. On the advice of counsel, I don't believe I'm</p> <p>9 going to answer that question.</p> <p>10 Q. (BY MS. RIOS) Okay. Based on the public record,</p> <p>11 how does House Bill 218 prevent in-person voter fraud?</p> <p>12 A. The goal -- first of all, this bill, we know now,</p> <p>13 did not pass into law. It was just a bill that was</p> <p>14 introduced and passed out of the House.</p> <p>15 I think the purpose of the bill was to require</p> <p>16 some form of identification so that you knew the person</p> <p>17 who was voting was the person they claimed to be.</p> <p>18 Q. Do you know if a noncitizen can obtain a driver's</p> <p>19 license in Texas?</p> <p>20 MR. SWEETEN: Do you mean right now under</p> <p>21 current law as we're sitting here?</p> <p>22 MS. RIOS: Yes.</p> <p>23 MR. SWEETEN: You can answer that question.</p> <p>24 A. Yes, they can.</p> <p>25 Q. (BY MS. RIOS) And does your driver's license</p>
<p style="text-align: center;">102</p> <p>1 about legislation or in furtherance of the legislative</p> <p>2 process. So, I'm going to instruct him not to answer</p> <p>3 other than as to the general purpose of the bill,</p> <p>4 pursuant to the Court order in this case.</p> <p>5 A. The purpose of this bill was to prevent in-person</p> <p>6 voter fraud, and that would mean that someone would have</p> <p>7 to be a registered voter who was legally able to vote.</p> <p>8 And beyond that, there's nothing that I can add to that.</p> <p>9 Q. (BY MS. RIOS) But why would a voter need to</p> <p>10 present proof of ID to vote?</p> <p>11 MR. SWEETEN: I'm going to object. You're</p> <p>12 asking for him to reveal his thoughts, mental</p> <p>13 impressions, his opinions, his motivation about the</p> <p>14 legislation and in furtherance of the legislative</p> <p>15 process and, as such, I'm going to instruct him not to</p> <p>16 answer based upon legislative privilege.</p> <p>17 You can refer to matters of the public</p> <p>18 record if you can.</p> <p>19 But he's not going to provide more than what</p> <p>20 the general purpose of the bill is.</p> <p>21 A. I think I've already answered the question. I</p> <p>22 think you're belaboring the point.</p> <p>23 Q. (BY MS. RIOS) Could you answer the question,</p> <p>24 please?</p> <p>25 MR. SWEETEN: Would you read the question</p>	<p style="text-align: center;">104</p> <p>1 look the same as a driver's license issued to a</p> <p>2 permanent legal resident?</p> <p>3 A. I'm not sure of the answer. I'm not sure. I</p> <p>4 know there have been some differences and I know there</p> <p>5 have been some changes that have been made to that law</p> <p>6 but I can't recall whether it would look the same or</p> <p>7 not. I think not under current law. It just changed</p> <p>8 recently.</p> <p>9 Q. Does your driver's license state that you're a</p> <p>10 citizen?</p> <p>11 A. No.</p> <p>12 Q. And do you know if the driver's license held by</p> <p>13 someone who is a legal permanent resident would state</p> <p>14 that they are an LPR?</p> <p>15 A. I don't know the answer to that.</p> <p>16 Q. Okay. Can a noncitizen be issued a military ID?</p> <p>17 A. I believe they can if they're a member of the</p> <p>18 military.</p> <p>19 Q. And would this military ID indicate their</p> <p>20 immigration status?</p> <p>21 A. I don't know the answer to that.</p> <p>22 Q. During the development of House Bill 218 and</p> <p>23 subsequent voter ID legislation, did you or your staff</p> <p>24 look into whether noncitizen driver's licenses say that</p> <p>25 this license was issued to a noncitizen?</p>





<p style="text-align: center;">105</p> <p>1 MR. SWEETEN: I'm going to object on</p> <p>2 legislative privilege. That question requires him to</p> <p>3 reveal his thoughts, mental impressions, opinions,</p> <p>4 motivations about legislation and the furtherance of the</p> <p>5 legislative process. It would also require him to</p> <p>6 reveal communications between the staff, other</p> <p>7 legislators, state agencies, the Texas Legislative</p> <p>8 Council or constituents.</p> <p>9 You can testify about matters of the public</p> <p>10 record. Otherwise, don't reveal matters subject to the</p> <p>11 legislative privilege.</p> <p>12 A. It's a matter of public record that we passed</p> <p>13 legislation this past session that requires you prove</p> <p>14 your legal presence in the country to obtain a Texas</p> <p>15 driver's license.</p> <p>16 That language was put in a bill. It was amended</p> <p>17 on the House side into a Senate bill, and it was</p> <p>18 language that was taken out of a bill that I was the</p> <p>19 sponsor of.</p> <p>20 So, we require people now to prove their legal</p> <p>21 presence in the country before they can obtain a Texas</p> <p>22 driver's license. And their driver's license will</p> <p>23 expire when their legal presence in this country</p> <p>24 expires.</p> <p>25 Q. (BY MS. RIOS) And legal presence is not the same</p>	<p style="text-align: center;">107</p> <p>1 Instruct not to answer.</p> <p>2 A. On the advice of counsel, I'm not going to answer</p> <p>3 that question.</p> <p>4 Q. (BY MS. RIOS) Okay. During the pendency of</p> <p>5 House Bill 218 in 2007, Royal Masset -- is that how his</p> <p>6 name is pronounced?</p> <p>7 MR. SWEETEN: I don't know.</p> <p>8 A. Masset.</p> <p>9 Q. (BY MS. RIOS) -- Masset, the former Political</p> <p>10 Director for the Republican Party of Texas, stated, and</p> <p>11 I quote, "They are just basically using sheer racism to</p> <p>12 pump their own political points. They are trying to</p> <p>13 exploit the public fear of illegal aliens." What is</p> <p>14 your reaction to this quote?</p> <p>15 MR. SWEETEN: Don't reveal your thoughts,</p> <p>16 mental impressions, opinions or motivation about</p> <p>17 legislation or in furtherance of the legislative process</p> <p>18 in answering that question.</p> <p>19 A. I'm not familiar with it until you read it to me,</p> <p>20 and I suggest that you talk to Mr. Masset about it.</p> <p>21 Q. (BY MS. RIOS) Any opinion about the assertion</p> <p>22 made by Mr. Masset?</p> <p>23 MR. SWEETEN: Don't reveal your thoughts,</p> <p>24 mental impressions, opinions, motivation about</p> <p>25 legislation or in furtherance of the legislative</p>
<p style="text-align: center;">106</p> <p>1 as citizenship, right?</p> <p>2 A. Correct.</p> <p>3 Q. Based on the public record, were there concerns</p> <p>4 about the impact of this bill on minority voters?</p> <p>5 MR. SWEETEN: You can refer to matters of</p> <p>6 the public record as the question's preface suggests.</p> <p>7 Do not reveal legislatively privileged matter.</p> <p>8 A. Are we talking about House Bill 218 now?</p> <p>9 Q. (BY MS. RIOS) Yes.</p> <p>10 A. I think there were concerns that were expressed</p> <p>11 as a matter of the public record.</p> <p>12 Q. What were these concerns?</p> <p>13 A. I'm not able to articulate those specifically at</p> <p>14 this time. I think they are a part of the proceedings</p> <p>15 of the House and the Senate.</p> <p>16 Q. And you do not have an independent recollection</p> <p>17 about these concerns?</p> <p>18 A. No.</p> <p>19 Q. Okay. Did you take -- did you or your staff take</p> <p>20 any action to address these concerns?</p> <p>21 MR. SWEETEN: Don't answer the question. It</p> <p>22 would call for matters subject to the legislative</p> <p>23 privilege, requiring you to reveal your thoughts, mental</p> <p>24 impressions, opinions, your motivations about</p> <p>25 legislation or furtherance of the legislative process.</p>	<p style="text-align: center;">108</p> <p>1 process. Those are subject to the legislative</p> <p>2 privilege.</p> <p>3 A. No.</p> <p>4 Q. (BY MS. RIOS) But as we sit here today, do you</p> <p>5 have a reaction at this statement?</p> <p>6 MR. SWEETEN: It's the same privilege. Do</p> <p>7 not -- I understand as we're sitting here today, you've</p> <p>8 put that in the question but he's still not going to</p> <p>9 reveal his thoughts, mental impressions or his opinions</p> <p>10 or motivation about legislation, and so, to the extent</p> <p>11 that answering that question would require him to do so,</p> <p>12 I'm going to instruct him not to answer that question.</p> <p>13 A. I don't -- I don't have an opinion about what</p> <p>14 Mr. Masset said. Why would I care?</p> <p>15 Q. (BY MS. RIOS) Okay. Once House Hill 218 was</p> <p>16 referred to the Senate, do you recall who testified on</p> <p>17 behalf of this bill?</p> <p>18 MR. SWEETEN: You can answer.</p> <p>19 A. I do not.</p> <p>20 Q. (BY MS. RIOS) Do you recall if the Republican</p> <p>21 party testified at the committee hearing?</p> <p>22 A. I do not.</p> <p>23 Q. Okay. Do you recall any amendments made in the</p> <p>24 Senate to House Bill 218?</p> <p>25 A. I do not.</p>



109

1 Q. Okay. Do you know what happened when this bill  
2 was brought to the Senate floor to vote?

3 MR. SWEETEN: I think you're asking matters  
4 of the public record, which he's free to refer to.

5 A. Based on what you're showing me here and Senator  
6 Uresti's affidavit, we tried to -- this bill apparently  
7 was voted out of committee and was pending on the  
8 calendar, and we tried to bring the bill up on the  
9 floor, and I was involved in that process of trying to  
10 get the bill -- make sure that we had our two-thirds of  
11 the members present and voting to get the bill before  
12 the body.

13 Q. (BY MS. RIOS) Okay. And so, this bill required  
14 the support of two-thirds of the senators to bring it to  
15 the floor for a vote?

16 A. To take the bill out of the regular order of  
17 business, we would have had to suspend the regular order  
18 of business, and that requires two-thirds of the members  
19 present and voting.

20 Q. And why two-thirds?

21 A. That's what the rule says. That's the Senate  
22 rule.

23 Q. The Senate rule.

24 A. It was at that time. The House has the same  
25 rule, by the way.

110

1 Q. And when House Bill 218 was brought to the Senate  
2 floor for a vote, how many Senators were present?

3 A. It's a matter of public record. I don't recall  
4 specifically how many were there. You have to have a  
5 quorum, so, there was a quorum present.

6 I know that we believed that we had two-thirds.  
7 The Republicans believed that we had the necessary  
8 two-thirds to bring the bill up, and that's what I was  
9 engaged in doing was trying to make sure that all of our  
10 members were on the floor.

11 Q. And when you're referring that all of the members  
12 were on the floor, you're referring to the Republican  
13 members?

14 A. Correct.

15 Q. And how were you involved in bringing this bill  
16 to the floor?

17 A. I think I just explained that to you.

18 Q. Okay.

19 A. I was trying to make sure that all of the  
20 Republican Senators were on the floor so that we had the  
21 two-thirds to get the bill up and have it considered by  
22 the body.

23 Q. Okay. And when -- based on your reading, do you  
24 remember if -- strike that.

25 Do you remember if Senator Uresti was present

111

1 when you were bringing the bill to the floor?

2 A. He was not there when we first attempted to bring  
3 it to the floor. He was there later.

4 Q. And why was the vote held when not all of the  
5 members of the Senate were present?

6 MR. SWEETEN: I think when you're asking the  
7 why, I think we're getting into him revealing thoughts  
8 and mental impressions, opinions and motivations about  
9 legislation. You can testify about facts that are  
10 matters of public record but I think that's  
11 legislatively privileged.

12 A. There are frequently bills that are passed  
13 through the Texas Senate when all members aren't  
14 present.

15 Q. (BY MS. RIOS) And did you make the decision to  
16 bring it to the floor at that instant?

17 A. I was involved in that decision, yes.

18 Q. And who else was involved in the decision to  
19 bring 218 at that instant?

20 A. You know, I don't recall everyone who was  
21 involved in it. I would guess it would -- my  
22 recollection would be it would be the Senate sponsor,  
23 and I presume that was Senator Fraser but I don't know  
24 that for a fact.

25 And also, I discussed it with the Lieutenant

112

1 Governor because he would have to recognize me for me --  
2 or he would have to recognize the bill's author to be  
3 able to bring the bill up.

4 Q. And what is Senator Uresti's race or national  
5 origin?

6 A. He's a citizen of the United States and a Marine  
7 Corps Veteran.

8 Q. I asked about his race or national origin. I'm  
9 very well aware of his military service.

10 A. He's Hispanic. Is that what you're asking?

11 Q. Yes.

12 A. Yeah.

13 Q. And do you dispute any fact in paragraphs 5 or  
14 6 -- 6 or 7?

15 MR. SWEETEN: Objection. The question is  
16 compound.

17 She's on this one now.

18 A. I don't know where we are.

19 MR. SWEETEN: Uresti's affidavit.

20 Can you tell us the number of the exhibit  
21 and we'll pull that up and take a look at it?

22 MS. RIOS: It might be over there.

23 MR. SWEETEN: I think he's got it now.

24 MS. ABUDU: Patrick, do you now have an  
25 extra copy of Uresti's affidavit? I see it on top.



<p style="text-align: center;">113</p> <p>1 MR. SWEETEN: Let's see. I don't.</p> <p>2 A. I don't have any recollection that Senator Uresti</p> <p>3 called my office, and I have no way of knowing whether</p> <p>4 he called Senator Nelson's office or not. I don't have</p> <p>5 any way of knowing whether he called Patsy Spaw or not.</p> <p>6 And so, you know, I -- I just can't verify that but I</p> <p>7 don't have -- specifically with respect to my office, I</p> <p>8 don't know why he would call me, and I don't recall that</p> <p>9 he did.</p> <p>10 Q. (BY MS. RIOS) Okay.</p> <p>11 A. It would be very unusual for him to call my</p> <p>12 office.</p> <p>13 Q. When you say that bills frequently are passed</p> <p>14 without all of the senators present, with a quorum but</p> <p>15 not all of the senators present, are you including bills</p> <p>16 that are strongly opposed by the other party?</p> <p>17 MR. SWEETEN: Objection.</p> <p>18 A. Yes.</p> <p>19 MR. SWEETEN: Objection. Vague.</p> <p>20 But you answered. That's fine.</p> <p>21 Q. (BY MS. RIOS) And how about bills strongly</p> <p>22 opposed by racial and ethnic minority members of the</p> <p>23 Senate? Let me ask the question -- the whole question.</p> <p>24 MR. SWEETEN: Okay.</p> <p>25 Q. (BY MS. RIOS) When you say that bills are</p>	<p style="text-align: center;">115</p> <p>1 MR. SWEETEN: Objection. Calls for</p> <p>2 speculation. Objection. Assumes facts not in evidence.</p> <p>3 You can answer.</p> <p>4 A. I think you need to call Senator Uresti and ask</p> <p>5 him that.</p> <p>6 Q. (BY MS. RIOS) What part of Texas does Senator</p> <p>7 Uresti represent?</p> <p>8 A. He represents an area from San Antonio to El</p> <p>9 Paso. The Big Bend area --</p> <p>10 Q. And what did --</p> <p>11 A. -- would be included in that.</p> <p>12 Q. And what do you know about the racial or ethnic</p> <p>13 makeup of Senator Uresti's constituents?</p> <p>14 A. I don't have any specific knowledge about it.</p> <p>15 Generally, I would presume he has a large Hispanic</p> <p>16 population in that part of the state.</p> <p>17 Q. And did you have any concerns about holding a</p> <p>18 vote on House Bill 218 given that the constituency that</p> <p>19 Senator Uresti represents is Hispanic?</p> <p>20 MR. SWEETEN: Don't reveal your thoughts,</p> <p>21 your mental impressions, opinions or motivations about</p> <p>22 legislation, including this bill, but to the extent you</p> <p>23 can refer to matters of the public record, you are free</p> <p>24 to do so.</p> <p>25 A. I think as a matter of public record, I've said</p>
<p style="text-align: center;">114</p> <p>1 frequently passed without all of the Senators being</p> <p>2 present, how about bills strongly opposed by the racial</p> <p>3 and ethnic minority members of the Senate?</p> <p>4 MR. SWEETEN: Objection. I think it calls</p> <p>5 for speculation. Objection to the question as vague.</p> <p>6 Also to the extent it would reveal a communication</p> <p>7 you've had with a legislator, don't reveal that portion</p> <p>8 of it but to the extent you can answer the question --</p> <p>9 A. I don't have any specific recollection.</p> <p>10 Q. (BY MS. RIOS) I was talking in general terms</p> <p>11 when you know that minority -- racial minority and</p> <p>12 ethnic minority Senators are strongly opposed to a bill,</p> <p>13 is it -- does the -- are bills frequently passed when</p> <p>14 they are not present?</p> <p>15 MR. SWEETEN: I'm going to impose the same</p> <p>16 objection.</p> <p>17 A. I think I've already answered the question.</p> <p>18 Q. (BY MS. RIOS) And your answer was?</p> <p>19 A. I don't have a specific recollection.</p> <p>20 Q. It's a yes or no answer.</p> <p>21 A. I've answered the question to the best of my</p> <p>22 ability.</p> <p>23 Q. Okay. Did Senator Uresti call your office</p> <p>24 because you were involved with bringing House Bill 218</p> <p>25 to the floor?</p>	<p style="text-align: center;">116</p> <p>1 frequently that I support this voter identification</p> <p>2 legislation, and beyond that, I don't have anything to</p> <p>3 say beyond what my public record is, what I've said in</p> <p>4 the public record. It is strongly supported among all</p> <p>5 racial and ethnic groups in Texas and strongly supported</p> <p>6 by Democrats and Republicans across the state.</p> <p>7 Q. (BY MS. RIOS) And you're basing this assertion</p> <p>8 on what?</p> <p>9 MR. SWEETEN: Again, you can refer to</p> <p>10 matters of the public record. Don't reveal your</p> <p>11 internal thought process.</p> <p>12 A. It's a matter of public record that there's been</p> <p>13 extensive surveys done on this and they were discussed</p> <p>14 as a part of the debate of all of these -- all of this</p> <p>15 legislation.</p> <p>16 Q. (BY MS. RIOS) So, besides the surveys on the</p> <p>17 support on voter ID legislation, did you conduct any</p> <p>18 studies about the people who might be affected by this</p> <p>19 legislation?</p> <p>20 MR. SWEETEN: Don't reveal matters that are</p> <p>21 not on the public record. Don't reveal your thoughts,</p> <p>22 mental impressions, opinions, motivations about</p> <p>23 legislation or your communications with state agencies,</p> <p>24 with legislative staff, with legislators, constituents</p> <p>25 in answering the question.</p>



<p style="text-align: center;">117</p> <p>1 A. You know, I don't have any comment beyond what's 2 already in the public record.</p> <p>3 Q. (BY MS. RIOS) Okay. And which are these 4 surveys?</p> <p>5 A. You know, they're a matter of public record. I 6 can't tell you as I sit here today. I don't recall what 7 they were. They are well documented as part of the 8 public record.</p> <p>9 Q. And did you study these surveys?</p> <p>10 MR. SWEETEN: You can reveal matters of the 11 public record but don't reveal your internal thought 12 processes, mental impressions, motivations about the 13 legislation in answering the question. It's subject to 14 legislative privilege.</p> <p>15 A. My recollection is that it was discussed in 16 committee. It was discussed during the debate on all of 17 this legislation. So -- and it was widely reported in 18 the press.</p> <p>19 Q. (BY MS. RIOS) Okay. And do you know what 20 specific questions were asked to the public in these 21 surveys?</p> <p>22 A. I can't tell you beyond what's already a part of 23 the public record. I don't have a specific 24 recollection.</p> <p>25 Q. Did you make any inquiries about the specific</p>	<p style="text-align: center;">119</p> <p>1 of this second vote?</p> <p>2 A. The legislation -- we couldn't suspend the rules 3 to bring the legislation before the body as a result of 4 the second vote.</p> <p>5 Q. So, it failed because of the two-thirds rule?</p> <p>6 A. We weren't able to suspend the regular order of 7 business.</p> <p>8 Q. And in order to suspend the regular order of 9 business, you needed two-thirds vote?</p> <p>10 A. Correct.</p> <p>11 Q. And what is the purpose of getting two-thirds 12 vote in order to suspend the regular course of business? 13 I'm asking what is the purpose of that rule, the 14 two-thirds rule?</p> <p>15 MR. SWEETEN: Okay. You can testify as to 16 the general purpose of the two-thirds rule.</p> <p>17 Are you talking about -- you want to show 18 him the statute?</p> <p>19 MS. RIOS: No, in general.</p> <p>20 MR. SWEETEN: You can testify about the 21 general purpose of the two-thirds rule to the extent 22 you --</p> <p>23 A. Yeah. The rule is contained in both the House 24 and the Senate rules, and it is a common parliamentary 25 procedure. In the U.S. Senate, I believe they require</p>
<p style="text-align: center;">118</p> <p>1 questions that they made to the people that were 2 contacted as part of the survey?</p> <p>3 MR. SWEETEN: Don't reveal your thoughts, 4 mental impressions, opinions, motivations about 5 legislation or the communications we've outlined 6 previously in answering the question. You're free to 7 refer to matters of the public record.</p> <p>8 A. As I've said already, I don't have a specific 9 recollection.</p> <p>10 Q. (BY MS. RIOS) Okay. There was a second vote on 11 House Bill 218, as it is stated in Senator Uresti's 12 declaration and in the public record. What were the 13 circumstances of this second vote?</p> <p>14 MR. SWEETEN: You can refer to matters of 15 the public record. Don't reveal communications that are 16 privileged.</p> <p>17 A. I remember that there was a second vote. I 18 don't -- I know that it involves some controversy about 19 whether one of the members was on the floor and voting 20 or not, and it was the discretion of the Lieutenant 21 Governor to decide whether there was going to be another 22 vote on it or not. So, he exercised that discretion. I 23 think it's a matter of the public record. It's in the 24 Senate Journal.</p> <p>25 Q. (BY MS. RIOS) Okay. And do you know the result</p>	<p style="text-align: center;">120</p> <p>1 60 percent instead of two-thirds.</p> <p>2 The way it is implemented in the Senate, it is a 3 calendar mechanism. It is the way we control the flow 4 of legislation to the floor.</p> <p>5 In the House, that's done by the Calendars 6 Committee. In the Senate, the members decide which 7 legislation will be considered by the body, along with 8 the Lieutenant Governor, who has the power of 9 recognition.</p> <p>10 So, that power is vested in a committee in the 11 House that's appointed by the Speaker. And in the 12 Senate, that member -- that power is vested in the 13 members, along with the Lieutenant Governor, through the 14 power of recognition. So, it is a mechanism to control 15 the flow of legislation to the floor.</p> <p>16 Q. (BY MS. RIOS) And what is the purpose of this 17 rule?</p> <p>18 MR. SWEETEN: Objection. Asked and 19 answered.</p> <p>20 Q. (BY MS. RIOS) Okay. Is a purpose of this rule 21 to have general consensus on bills?</p> <p>22 A. The purpose of the rule is to -- it is a calendar 23 mechanism. It is a way to control the flow of 24 legislation to the floor of the Senate. That is the 25 primary purpose of the rule.</p>



121

- 1 Q. And are most bills brought under this rule?
- 2 A. Many bills are brought under that rule. Not all.
- 3 Q. Okay. And how many times during your tenure in
- 4 the Senate has this rule been suspended?
- 5 A. I'm not -- it's been -- we suspend the two-thirds
- 6 rule every time we take up a piece of legislation to
- 7 consider it. To consider a piece of legislation, the
- 8 vote is to suspend the two-thirds rule -- or it takes a
- 9 two-thirds vote to suspend the regular order of
- 10 business.
- 11 So, every time -- so, the rule is -- that's how
- 12 we get bills to the floor. I'm not sure what you're
- 13 asking.
- 14 Q. Okay. You need a two-thirds vote to get a bill
- 15 to the floor, that's how it works, right?
- 16 A. Not always.
- 17 Q. Not always but the --
- 18 A. If you want to take a bill out of the regular
- 19 order of business, you have to suspend the two-thirds
- 20 rule. You have to suspend the regular order of
- 21 business. It takes two-thirds to do that.
- 22 Q. Okay. How many times during your tenure has the
- 23 Senate suspended the two-thirds rule so that a bill can
- 24 be brought without the two-thirds vote?
- 25 A. We frequently consider legislation in the regular

122

- 1 order of business, and I can't tell you how often that
- 2 is done. I will give you an example. This last session
- 3 the budget passed in the regular order of business. We
- 4 frequently pass House bills in the regular order of
- 5 business, and it's often done in special session.
- 6 Q. I'll have to come back to this.
- 7 Okay. Did you have any conversations about House
- 8 Bill 218 after it did not pass the Senate?
- 9 MR. SWEETEN: You can reveal whether or not
- 10 you had such conversations but don't reveal the
- 11 substance of them. They're privileged.
- 12 A. You know, I don't have a specific -- this was
- 13 several years ago. I don't have a specific
- 14 recollection.
- 15 Q. (BY MS. RIOS) Okay.
- 16 A. I'm sure that I talked to people about it but I
- 17 don't have a specific recollection.
- 18 Q. Did you have any conversations about voter ID
- 19 bills after HB 218 didn't pass the Senate?
- 20 A. I'm sure I did.
- 21 Q. With whom did you have these conversations?
- 22 A. You know, I don't know. I mean, I can't tell
- 23 you. It's been so long and there's so many people that
- 24 I talk to. Beyond what's a matter of the public record,
- 25 I don't have any recollection at all.

123

- 1 Q. Did you have any conversations about voter ID
- 2 bills with other legislators?
- 3 A. I'm sure I did.
- 4 Q. And did you have conversations with executive
- 5 branch employees?
- 6 A. I don't know.
- 7 Q. Did you talk about voter ID legislation with the
- 8 Lieutenant Governor?
- 9 A. I'm sure I did.
- 10 Q. And when did you have this conversation?
- 11 A. I don't have a specific recollection.
- 12 Q. And what was the nature of these communications?
- 13 MR. SWEETEN: Don't reveal the nature of the
- 14 communications if she's asking about the substance.
- 15 MS. RIOS: I can ask about the general
- 16 subject matter of the communications.
- 17 MR. SWEETEN: And with what group are you
- 18 referring to?
- 19 MS. RIOS: I'm referring to legislators.
- 20 MR. SWEETEN: Okay. I think he's already
- 21 said he doesn't recall specifically who he talked to.
- 22 So, it would be --
- 23 But you can answer the question as to the
- 24 general subject matter.
- 25 A. You know, I don't recall a specific -- any

124

- 1 specific conversation from that long ago.
- 2 Q. (BY MS. RIOS) And did you have any conversations
- 3 with the Lieutenant Governor?
- 4 A. None that I recall specifically.
- 5 Q. You earlier noted that you talked to the
- 6 Lieutenant Governor.
- 7 A. I'm sure I talked to him. I'm sure I talked to
- 8 several of my colleagues in the Senate but I don't have
- 9 a specific recollection of the time or what was
- 10 discussed. I'm sure we were frustrated that the bill
- 11 had not passed.
- 12 Q. Okay. This has been marked as Exhibit 29, and
- 13 this is Senate Bill 362. Were you involved in the
- 14 development of Senate Bill 362?
- 15 A. Is this the bill from the '09 session?
- 16 Q. Yes.
- 17 A. Yes, I was involved in this.
- 18 Q. And can you describe the process by which Senate
- 19 Bill 362 was developed?
- 20 MR. SWEETEN: Yeah, I think here you're
- 21 asking him to reveal his thoughts, mental impressions,
- 22 opinions, motivations about legislation, including
- 23 communications that he's had with other legislators'
- 24 staff. So, I think we're going to need to assert our
- 25 legislative privilege as to that question.



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
www.esquiresolutions.com



125

1 A. I'm not going to be able to answer your question  
2 the way you've phrased it.  
3 Q. (BY MS. RIOS) Do you recall when did you start  
4 working on the development of Senate Bill 362?  
5 MR. SWEETEN: Objection. Vague.  
6 MS. RIOS: When?  
7 MR. SWEETEN: Well, I know but what is the  
8 development of, and I'm not sure how that's defined  
9 but --  
10 Q. (BY MS. RIOS) You can answer.  
11 MR. SWEETEN: You can answer when you  
12 started working on the bill.  
13 A. I don't have a -- I don't recall the specific  
14 time that I began to work on this bill but it would have  
15 been sometime prior to or concurrent with the 2009  
16 session.  
17 Q. (BY MS. RIOS) Okay. Did you look at past photo  
18 ID bills in the Texas Legislature?  
19 MR. SWEETEN: Don't answer the question. It  
20 would require you to reveal your thoughts, mental  
21 impressions, opinions and motivations about legislation  
22 or furtherance of the legislative process and, as such,  
23 would be legislatively privileged.  
24 A. On the advice of counsel, I'm not going to answer  
25 your question.

126

1 Q. (BY MS. RIOS) Did you have any communications  
2 about Senate Bill 362 with other current or former  
3 legislators who had offered past photo ID bills?  
4 MR. SWEETEN: You can answer. Just don't  
5 reveal the subject of the communications other than a  
6 general subject matter description.  
7 A. I may have. I wasn't the primary author of the  
8 bill. So, I don't have a specific recollection of  
9 talking to anybody who was a former legislator. Is that  
10 what you're asking?  
11 Q. (BY MS. RIOS) Or current.  
12 A. No, I don't. Senator Fraser, I believe, is the  
13 primary author of this.  
14 Q. Did you talk to Senator Fraser about Senate Bill  
15 362?  
16 A. Yes.  
17 Q. And when did you talk to him?  
18 A. I don't recall specifically.  
19 Q. Did you talk to him one time, many times?  
20 A. Many times, I'm sure.  
21 Q. And when did you have these conversations with  
22 Senator Fraser?  
23 A. As I told you, I don't recall specifically.  
24 Q. Okay. Do you recall if anyone else was present  
25 during these conversations you had with Senator Fraser?

127

1 A. I do not.  
2 Q. Okay. Did you communicate with Senator Fraser on  
3 the telephone about Senate Bill 362?  
4 A. I may have.  
5 Q. Do you know when these conversations took place?  
6 A. I do not.  
7 Q. Okay. Did you communicate with Senator Fraser by  
8 E-mail regarding 362?  
9 A. I doubt it.  
10 Q. And why do you doubt it?  
11 A. I doubt that I had any E-mail communications with  
12 him about this. I would have talked to him in person.  
13 Q. Okay. Did you have any communications with  
14 officials or legislators from other states about Senate  
15 Bill 362?  
16 A. Not to the best of my recollection.  
17 Q. Did you have any communications with anyone in  
18 Georgia?  
19 MR. SWEETEN: Objection. Asked and  
20 answered.  
21 You can answer.  
22 A. Not to the best of my recollection.  
23 Q. (BY MS. RIOS) Any communications with anyone  
24 from Indiana?  
25 MR. SWEETEN: Same objection.

128

1 You can answer.  
2 A. To the extent that it's a matter of the public  
3 record, when the bills were considered in committee,  
4 there may have been people from Indiana there. There  
5 may have been people from Georgia. I don't recall  
6 specifically without looking at the record.  
7 Q. (BY MS. RIOS) But outside of the hearings, did  
8 you have any communications with anyone from Georgia or  
9 Indiana?  
10 A. I don't recall.  
11 Q. Did you have any communications about Senate Bill  
12 362 with interest groups?  
13 A. I'm not sure what you're asking me there. Help  
14 me. I don't know what you're getting at.  
15 Q. With any organizations.  
16 A. It's a matter of public record that there were a  
17 lot of people who came and testified for and against  
18 this bill, and that's -- really the only thing that I  
19 would have any recollection of would be what's a matter  
20 of the public record.  
21 Q. But I'm referring to any communications that you  
22 had outside the Senate chambers.  
23 A. I just answered your question.  
24 Q. So, you do not recall?  
25 A. That is correct.



<p style="text-align: center;">129</p> <p>1 Q. Okay. Did you have any communications with any</p> <p>2 groups representing minority voters?</p> <p>3 A. It's a matter of the public record that we did</p> <p>4 take testimony from groups that represented minority</p> <p>5 interests.</p> <p>6 Q. But did you have any communications with these</p> <p>7 groups outside the Senate chambers?</p> <p>8 A. I don't know. I don't recall.</p> <p>9 Q. Did you have any communications about Senate Bill</p> <p>10 362 with your constituents?</p> <p>11 A. I don't recall specifically.</p> <p>12 Q. Okay. And did you have any communications about</p> <p>13 Senate Bill 362 with election officials?</p> <p>14 A. It's a matter of public record that there were</p> <p>15 election officials that testified about the bill.</p> <p>16 Beyond that, I have no specific recollection.</p> <p>17 Q. Did you have any communications with Melinda</p> <p>18 Fredricks about Senate Bill 362?</p> <p>19 A. I may have. I don't have any specific</p> <p>20 recollection.</p> <p>21 Q. And if you had any communication with</p> <p>22 Ms. Fredricks, do you recall if this was oral or</p> <p>23 written?</p> <p>24 A. You know, I don't have any specific recollection</p> <p>25 beyond what's a matter of the public record. I'm trying</p>	<p style="text-align: center;">131</p> <p>1 privilege. It would require him to reveal his thoughts,</p> <p>2 mental impressions, opinions, motivations about the</p> <p>3 legislation or in furtherance of the legislative</p> <p>4 process. He had communications that we've outlined</p> <p>5 previously.</p> <p>6 So, I'm going to instruct not to answer</p> <p>7 based on the legislative privilege unless you can refer</p> <p>8 to matters of the public record.</p> <p>9 A. There may be statements that I made that are a</p> <p>10 part of the public record but beyond that, there's</p> <p>11 nothing that I can reveal.</p> <p>12 Q. (BY MS. RIOS) Okay. Did you have any</p> <p>13 communications with anyone about the forms of</p> <p>14 identification to be included in Senate Bill 362?</p> <p>15 MR. SWEETEN: You can answer the question as</p> <p>16 phrased. Don't reveal the substance of any such</p> <p>17 communications that would be legislatively privileged as</p> <p>18 outlined before.</p> <p>19 A. Yes.</p> <p>20 Q. (BY MS. RIOS) With whom?</p> <p>21 MR. SWEETEN: You can answer.</p> <p>22 A. With Senator Fraser.</p> <p>23 Q. (BY MS. RIOS) Anyone else?</p> <p>24 A. Not that I recall.</p> <p>25 Q. And when did you have this conversation with</p>
<p style="text-align: center;">130</p> <p>1 to remember if she testified before the committee or</p> <p>2 not. I don't recall.</p> <p>3 Q. Did you have any communications about Senate Bill</p> <p>4 362 with the Attorney General's office?</p> <p>5 A. I'm -- I feel like they probably testified in</p> <p>6 committee about that but beyond that, I don't have any</p> <p>7 specific recollection.</p> <p>8 Q. And any communications about the bill with staff</p> <p>9 from the Secretary of State?</p> <p>10 A. Only to the extent that it was part of the public</p> <p>11 record is all I'm able to recall.</p> <p>12 Q. Did you have any communication with the TLC?</p> <p>13 A. I don't have any specific recollection of that.</p> <p>14 Q. So, what you're telling me today is that the</p> <p>15 communications that you had with the -- about Senate</p> <p>16 Bill 362 are limited to what is in the public record?</p> <p>17 A. As we sit here today, the only thing that I would</p> <p>18 have any recollection of would be what is in the public</p> <p>19 record.</p> <p>20 Q. Are you aware of the purpose of excluding from</p> <p>21 Senate Bill 362 the student ID as a form of allowable</p> <p>22 identification that voters may show when they come to</p> <p>23 the polls?</p> <p>24 MR. SWEETEN: I'm going to object. I think</p> <p>25 that calls for matters subject to the legislative</p>	<p style="text-align: center;">132</p> <p>1 Senator Fraser about what forms of ID to include in</p> <p>2 Senate Bill 362?</p> <p>3 A. I don't recall the specific time or the general</p> <p>4 time.</p> <p>5 Q. Okay. Do you recall if there were others present</p> <p>6 when you had these conversations?</p> <p>7 A. I do not.</p> <p>8 Q. And these were in-person discussions?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. How about by phone or E-mail?</p> <p>11 A. I don't recall. It would be very unusual that I</p> <p>12 would have discussed it in an E-mail with him. We don't</p> <p>13 generally communicate that way. And I may have talked</p> <p>14 to him about it on the phone but I don't have a specific</p> <p>15 recollection.</p> <p>16 Q. Okay. And what was the general subject matter of</p> <p>17 your communications with Senator Fraser about what forms</p> <p>18 of ID to include in the bill?</p> <p>19 MR. SWEETEN: I think that is the general</p> <p>20 subject matter. You're starting to ask for the</p> <p>21 specifics of the conversation. Your preface of your</p> <p>22 question asked about forms of ID, and he's revealed the</p> <p>23 communications that would have been about forms of ID.</p> <p>24 To ask any more detail about that communication would</p> <p>25 implicate the legislative privilege that both senators</p>



<p style="text-align: center;">133</p> <p>1 have asserted.</p> <p>2 A. I don't think I can answer the question based on</p> <p>3 what counsel has told me.</p> <p>4 Q. (BY MS. RIOS) Did you analyze or direct anyone</p> <p>5 to analyze which registered voters did not possess one</p> <p>6 of the required forms of ID identified in Senate Bill</p> <p>7 362?</p> <p>8 MR. SWEETEN: Senator, in answering the</p> <p>9 question, don't reveal thoughts, mental impressions,</p> <p>10 opinions, motivation about legislation or furtherance of</p> <p>11 the legislative process or communications you've had</p> <p>12 with the entities or individuals I've previously listed.</p> <p>13 You can refer to matters of the public record but don't</p> <p>14 reveal privilege in answering the question.</p> <p>15 THE WITNESS: Could you repeat the question</p> <p>16 that she asked, please?</p> <p>17 (Whereupon, the requested testimony was read back</p> <p>18 as follows:</p> <p>19 QUESTION: Did you analyze or direct anyone to</p> <p>20 analyze which registered voters did not possess</p> <p>21 one of the required forms of ID identified in</p> <p>22 Senate Bill 362?)</p> <p>23 A. Only to the extent that it is a part of the</p> <p>24 public record and I know that this was discussed</p> <p>25 extensively in the Committee of the Whole.</p>	<p style="text-align: center;">135</p> <p>1 Q. (BY MS. RIOS) Did you conduct or instruct anyone</p> <p>2 to conduct an analysis of 362 as it impacts minority</p> <p>3 voters?</p> <p>4 MR. SWEETEN: Same objection. You're asking</p> <p>5 for his mental impressions, thought process, opinions</p> <p>6 and motivations about legislation. It's subject to the</p> <p>7 legislative privilege.</p> <p>8 Instruct not to answer except to the extent</p> <p>9 you can reveal matters of the public record.</p> <p>10 A. Well, I would respectfully refer you to the</p> <p>11 deliberations of the Committee of the Whole when we took</p> <p>12 this up, and I know this matter was discussed</p> <p>13 extensively. Beyond that, there's nothing that I can</p> <p>14 reveal to you.</p> <p>15 Q. (BY MS. RIOS) Okay. Did you make any attempt to</p> <p>16 analyze whether Senate Bill 362 had a disproportionate</p> <p>17 impact on minority voters?</p> <p>18 MR. SWEETEN: Objection. Legislative</p> <p>19 privilege.</p> <p>20 Instruct not to answer except to the extent</p> <p>21 you can refer to matters of public record.</p> <p>22 A. That was -- that topic was specifically discussed</p> <p>23 at length as a part of the process of the Committee of</p> <p>24 the Whole, and there really wasn't any deliberation</p> <p>25 outside of that.</p>
<p style="text-align: center;">134</p> <p>1 Q. (BY MS. RIOS) Okay. Did you read any research</p> <p>2 or analysis of voter ID to assist you in working on</p> <p>3 Senate Bill 362?</p> <p>4 MR. SWEETEN: That question would require</p> <p>5 him to reveal his thoughts, his mental processes,</p> <p>6 impressions, opinions, motivation about legislation or</p> <p>7 furtherance of the legislative process. As such, it</p> <p>8 would be privileged.</p> <p>9 You can refer to matters of the public</p> <p>10 record to the extent you can in answering the question.</p> <p>11 Otherwise, don't reveal privileged matter.</p> <p>12 A. I don't think I can answer that question.</p> <p>13 MS. RIOS: I'm asking which ones.</p> <p>14 MR. SWEETEN: And in doing so, you're asking</p> <p>15 him his thought process, his mental impressions,</p> <p>16 opinions, motivations about legislation. This is</p> <p>17 squarely within what is under the umbrella of the</p> <p>18 legislative privilege.</p> <p>19 I'm instructing the Senator not to answer</p> <p>20 the question on that basis.</p> <p>21 Q. (BY MS. RIOS) So, you cannot answer me as to why</p> <p>22 you selected these studies?</p> <p>23 MR. SWEETEN: Same instruction.</p> <p>24 A. I don't believe I can answer that with -- I'm</p> <p>25 going to invoke my legislative privilege.</p>	<p style="text-align: center;">136</p> <p>1 Q. (BY MS. RIOS) Okay. If Senate Bill 362 had been</p> <p>2 passed, would it have been subject to the requirements</p> <p>3 of Section 5 of the Voting Rights Act?</p> <p>4 A. I believe it would have been.</p> <p>5 MR. SWEETEN: It's almost 1:00 o'clock --</p> <p>6 it's 1:10. I'm hungry. Can we take a very short lunch</p> <p>7 break, maybe 20 minutes, when you get to a logical</p> <p>8 stopping point?</p> <p>9 MS. RIOS: We can stop here.</p> <p>10 (Lunch recess.)</p> <p>11 MS. RIOS: Okay. Back on the record.</p> <p>12 Q. (BY MS. RIOS) I'm going to ask the last</p> <p>13 questions that I asked so we can get back on -- in the</p> <p>14 groove.</p> <p>15 If SB 362 had been passed, would it have been</p> <p>16 subject to the requirements of Section 5?</p> <p>17 A. And I believe my answer was I think it would be.</p> <p>18 Q. Okay.</p> <p>19 A. To the best of my knowledge, it would be.</p> <p>20 Q. Are you familiar with the concept of Spanish</p> <p>21 surname voter registration?</p> <p>22 A. Yes.</p> <p>23 Q. And what do you know about Spanish surname voter</p> <p>24 registration?</p> <p>25 A. Not much but just I've heard it talked about.</p>



137

1 Q. Did you consider, you know, looking into the  
2 Spanish surname voter registration database to figure  
3 out whether the Hispanic population would be more or  
4 less likely to have the necessary photo ID under Senate  
5 Bill 362?

6 MR. SWEETEN: Objection. Legislative  
7 privilege.

8 It asks for your thoughts, mental  
9 impressions, opinions, motivations about legislation.  
10 Instruct you not to answer except to the extent you  
11 refer to matters of the public record.

12 A. I don't believe I can answer the question based  
13 on the advice of counsel. And what I would say is I  
14 don't know anything other than what was discussed in  
15 committee or on the floor of the Senate.

16 Q. (BY MS. RIOS) Okay. What is the purpose or  
17 purposes of Senate Bill 362?

18 MR. SWEETEN: You can answer.

19 A. The purpose of Senate Bill 362 was to ensure that  
20 the person who presents themselves to vote is, in fact,  
21 the person that they say they are.

22 Q. (BY MS. RIOS) Any other purpose?

23 A. No.

24 Q. And who introduced Senate Bill 362?

25 A. Senator Fraser.

138

1 Q. And who decided that it would be Senator Fraser  
2 the one who would introduce Senate Bill 362?

3 MR. SWEETEN: Don't reveal any  
4 communications you've had with other legislators or  
5 state agencies, including with Senator Fraser. Also, it  
6 calls for speculation.

7 To the extent you can answer that without  
8 revealing privileged matters, you can.

9 A. Well, I think Senator Fraser decided when he  
10 filed it, I mean.

11 Q. (BY MS. RIOS) Okay. You laid out Senate  
12 Resolution 14, adopting the rules of the Senate for the  
13 80th legislature as the permanent rules of the 81st  
14 legislature with the modification of the two-thirds rule  
15 as to voter ID.

16 A. This is in the '09 session?

17 Q. Yes, '09.

18 A. Okay.

19 Q. Do you know who decided that you would be the one  
20 who would lay out Senate Resolution 14?

21 MR. SWEETEN: I'm sorry, Senate Resolution  
22 14?

23 MS. RIOS: Yes.

24 MR. SWEETEN: Not Senate Bill 14?

25 MS. RIOS: No.

139

1 MR. SWEETEN: Obviously, don't reveal  
2 matters of legislative privilege in answering the  
3 question but you can answer.

4 A. It's the prerogative of the Lieutenant Governor.

5 Q. (BY MS. RIOS) So, the Lieutenant Governor was  
6 the one who chose you to present this Senate Resolution  
7 14?

8 MR. SWEETEN: Don't reveal privileged  
9 communications.

10 A. I don't think I can answer this without revealing  
11 privileged communication.

12 Q. (BY MS. RIOS) I'm asking who.

13 MR. SWEETEN: Read the question again.

14 (Whereupon, the requested testimony was read back  
15 as follows:

16 QUESTION: So, the Lieutenant Governor was the  
17 one who chose you to present this Senate  
18 Resolution 14?)

19 MR. SWEETEN: Same objection.

20 A. He has the power of recognition. He recognized  
21 me to lay out the Senate rules. It's a matter of public  
22 record.

23 Q. (BY MS. RIOS) Did you volunteer to lay out  
24 Senate Resolution 14?

25 MR. SWEETEN: Don't reveal communications

140

1 you had with any legislators or state agencies.

2 A. I think that it is a matter of public record that  
3 Senator Whitmire, who was the dean of the Senate, did  
4 not want to carry the resolution. I was willing to  
5 carry it and was a logical person to do it, as Chairman  
6 of the Administration Committee.

7 Q. (BY MS. RIOS) When you stated earlier that the  
8 purpose of Senate Bill 362 is to ensure that the person  
9 who presents him or herself to vote is the person they  
10 say they are, how does Senate Bill 362 ensure that  
11 that's the case?

12 MR. SWEETEN: Don't reveal your thoughts,  
13 mental impressions, opinions, motivations about  
14 legislation or the legislative process in answering the  
15 question.

16 Objection. Legislative privilege. Go  
17 ahead.

18 A. It's been a matter of public record, and I've  
19 said publicly that if you -- the only way to prevent  
20 in-person voter fraud is to require someone to present a  
21 photo ID when they vote. Otherwise, you can't even  
22 begin to know whether they are committing fraud or not.

23 Q. (BY MS. RIOS) Okay. Are nonphoto ID documents  
24 allowed under Senate Bill 362 to verify a voter's  
25 identity?



<p style="text-align: center;">141</p> <p>1 MR. SWEETEN: You can answer based upon the</p> <p>2 Texas bill, which is a matter of public record.</p> <p>3 THE WITNESS: Could you repeat the question</p> <p>4 that she asked, please?</p> <p>5 (Whereupon, the requested testimony was read back</p> <p>6 as follows:</p> <p>7 QUESTION: Okay. Are nonphoto ID documents</p> <p>8 allowed under Senate Bill 362 to verify a voter's</p> <p>9 identity?)</p> <p>10 A. Let me get the bill in front of me.</p> <p>11 MR. SWEETEN: It's right there.</p> <p>12 A. Yes.</p> <p>13 Q. (BY MS. RIOS) And you said earlier that the</p> <p>14 problems that occur in the system is that it leaves open</p> <p>15 the possibility that a voter is not who they say they</p> <p>16 are; is that correct?</p> <p>17 MR. SWEETEN: I think you asked him that in</p> <p>18 the context of a public statement but could you -- if</p> <p>19 you could give him the context of that.</p> <p>20 MS. RIOS: That was something that he said</p> <p>21 verbatim earlier in the deposition.</p> <p>22 MR. SWEETEN: Again, if you want to give him</p> <p>23 the context of that statement. I think it was</p> <p>24 misleading.</p> <p>25 A. I would like to know what the question was that I</p>	<p style="text-align: center;">143</p> <p>1 MR. SWEETEN: You can answer.</p> <p>2 A. I -- prior to -- once I was clear that I was</p> <p>3 going to be the person who carried it, I think I asked</p> <p>4 that it be drafted. So, that would have been when I</p> <p>5 started working on it. It would have been near the</p> <p>6 beginning of that legislative session, probably the</p> <p>7 first or second day. It could have been earlier.</p> <p>8 Q. (BY MS. RIOS) And did you introduce Senate</p> <p>9 Resolution 14 in part because you were frustrated that</p> <p>10 House Bill 218 had not passed?</p> <p>11 MR. SWEETEN: I'm going to object. I think</p> <p>12 you're asking him to reveal his thoughts, mental</p> <p>13 impressions, opinions, motivation about legislation.</p> <p>14 Objection. Legislative privilege.</p> <p>15 THE WITNESS: Now, could you repeat the</p> <p>16 question that she asked me?</p> <p>17 (Whereupon, the requested testimony was read back</p> <p>18 as follows:</p> <p>19 QUESTION: And did you introduce Senate</p> <p>20 Resolution 14 in part because you were frustrated</p> <p>21 that House Bill 218 had not passed?)</p> <p>22 MR. SWEETEN: Same objection. Calls for his</p> <p>23 mental impressions. Legislative privilege.</p> <p>24 A. Other than what was said in the public record on</p> <p>25 the debate about the Senate Resolution, I don't think</p>
<p style="text-align: center;">142</p> <p>1 was responding to.</p> <p>2 Q. (BY MS. RIOS) Okay. You said earlier that the</p> <p>3 problem with the current system is that it leaves open</p> <p>4 the possibility that a voter is not who she or he says</p> <p>5 they are. How does Senate Bill 362 correct this?</p> <p>6 MR. SWEETEN: You're asking him about his</p> <p>7 thoughts, mental impressions, opinions and motivation</p> <p>8 about legislation or the furtherance of the legislative</p> <p>9 process.</p> <p>10 I'm going to instruct you not to answer</p> <p>11 except to the extent you can reveal matters of public</p> <p>12 record.</p> <p>13 A. You know, I don't know that I can answer that</p> <p>14 without violating my legislative privilege. I've spoken</p> <p>15 publicly on it. I don't have anything beyond my public</p> <p>16 comments to say.</p> <p>17 Q. (BY MS. RIOS) Was Senate Resolution 14 your</p> <p>18 resolution or did you merely carry it?</p> <p>19 A. I was the author of Senate Resolution 14. I</p> <p>20 asked that it be drafted.</p> <p>21 Q. And who drafted Senate Resolution 14?</p> <p>22 A. You know, I don't recall. It would be possible</p> <p>23 to find out but I don't remember.</p> <p>24 Q. And when did you begin to work on Senate</p> <p>25 Resolution 14?</p>	<p style="text-align: center;">144</p> <p>1 there's anything that I can share with you. I stated my</p> <p>2 thoughts pretty clearly in that resolution, I think, or</p> <p>3 during the debate of the resolution.</p> <p>4 Q. (BY MS. RIOS) Okay. Did anything occur between</p> <p>5 2007 and 2009, which is when Senate Bill 362 was</p> <p>6 introduced, that caused you to conclude that there was a</p> <p>7 continued need for voter ID legislation?</p> <p>8 MR. SWEETEN: I'm going to object. That</p> <p>9 calls for matters of legislative privilege, asking him</p> <p>10 to reveal his thoughts, mental impressions.</p> <p>11 Instruct you not to answer except to the</p> <p>12 extent you can refer to matters of the public record.</p> <p>13 A. I don't think that I can answer that question on</p> <p>14 the advice of counsel.</p> <p>15 There is a public record in the debate about</p> <p>16 Senate Resolution 14. It's a part of the Senate Journal</p> <p>17 that -- where I outline my reasons for introducing the</p> <p>18 resolution. I think they are quite clear. Is there any</p> <p>19 part of that you didn't understand?</p> <p>20 Q. (BY MS. RIOS) I read the record but we're taking</p> <p>21 your deposition, so, you can tell us what was it that</p> <p>22 occurred that caused you to conclude that there was a</p> <p>23 continued need for such legislation?</p> <p>24 MR. SWEETEN: Again, objection. You're</p> <p>25 invading the legislative privilege with that question.</p>





<p style="text-align: center;">145</p> <p>1 He's not going to reveal his mental impressions, 2 thoughts or opinions about legislation. He can answer 3 based upon matters of the public record. 4 A. And my answer is beyond what is a part of the 5 public record in the Senate Journal, there are no other 6 reasons. 7 Q. (BY MS. RIOS) Did the Lieutenant Governor tell 8 you that you would be the person carrying Senate 9 Resolution 14? 10 MR. SWEETEN: You're asking about a specific 11 conversation he had with the Lieutenant Governor. 12 I'm going to object to you revealing the 13 substance of the communication. You can reveal whether 14 you had communications with the Lieutenant Governor but 15 don't reveal the substance. 16 He can give a general purpose description 17 but I think that the question asks for something beyond 18 that, as phrased. 19 A. It's a matter of record in the Senate Journal 20 that I had a discussion with the Lieutenant Governor 21 about who would carry the rules resolution. That's what 22 SJR 14 was. And beyond that, there's nothing that I can 23 add to that. I think the record -- the public record 24 accurately reflects what happened. 25 Q. (BY MS. RIOS) Okay. And are you aware of any</p>	<p style="text-align: center;">147</p> <p>1 MR. SWEETEN: Objection. Legislative 2 privilege. Don't reveal privileged matters. 3 You can answer based upon matters in the 4 public record. 5 A. You know, there's an extensive record on this. 6 There was a six and a half hour debate on the Senate 7 floor about the rule change. There's really nothing 8 that I can add to that. 9 There was over 20 hours of debate on the bill, on 10 Senate Bill 14. I mean, I've stated my position very 11 clearly. There's nothing beyond that that I can add. 12 Q. (BY MS. RIOS) Did you or your staff collect 13 evidence of voter impersonation at the polls that was 14 not included in the public record? 15 MR. SWEETEN: Objection. Asks for matters 16 subject to the legislative privilege. 17 Don't answer except to the extent you can 18 refer to the matter of the public record. That is 19 legislatively privileged. 20 A. I don't think there's anything I can add to what 21 I've already said. It's a matter of public record. 22 Q. (BY MS. RIOS) Okay. Did you or your staff 23 request evidence of voter impersonation at the polls 24 from the Secretary of State? 25 MR. SWEETEN: Same objection. Legislative</p>
<p style="text-align: center;">146</p> <p>1 in-person voter impersonation that happened between 2007 2 and 2008 that caused you to believe that the voter ID 3 bill was still needed in Texas? 4 MR. SWEETEN: Calls for matters of 5 legislative privilege, including communications he's had 6 with constituents, legislators, legislative staff, state 7 agencies, Texas Legislative Council and also asks for 8 his mental impressions and opinions about a bill. 9 To the extent you can refer to matters of 10 the public record, you are free to do so. Otherwise, my 11 instruction is not to answer the question as phrased. 12 THE WITNESS: Could you read the question to 13 me again? 14 Q. (BY MS. RIOS) Strike that. 15 A. Okay. 16 Q. Besides the public record, did you receive any 17 unsolicited evidence that in-person voter impersonation 18 was still a problem that needed to be addressed by photo 19 ID legislation in Texas between 2007 and 2009? 20 MR. SWEETEN: You can reveal matters of the 21 public record. 22 A. I don't believe beyond what I said in the public 23 record, there's anything that I can add. 24 Q. (BY MS. RIOS) Okay. And what were the bases for 25 your concerns about voter fraud in 2009?</p>	<p style="text-align: center;">148</p> <p>1 privilege. 2 THE WITNESS: Could you read back the 3 question to me, please? 4 (Whereupon, the requested testimony was read back 5 as follows: 6 QUESTION: Okay. Did you or your staff request 7 evidence of voter impersonation at the polls from 8 the Secretary of State?) 9 MR. SWEETEN: Don't reveal communications 10 you had with the Secretary of State. You can reveal 11 whether you had communications with the Secretary of 12 State and also reveal matters of the public record. 13 A. The Secretary of State's office testified about 14 this in the Committee of the Whole, and beyond that, I 15 don't know that there's anything I can add to that. 16 Q. (BY MS. RIOS) Okay. How is Senate Bill 362 17 more effective in preventing in-person voter 18 impersonation than the current practice? 19 MR. SWEETEN: Don't answer the question. It 20 asks for you to reveal your mental impressions, 21 opinions, motivations about legislation and, as such, is 22 subject to the legislative privilege. 23 A. On the advice of counsel, I'm going to refuse to 24 answer that question. 25 Q. (BY MS. RIOS) Does Senate Bill 362 solve any</p>



<p style="text-align: center;">149</p> <p>1 problem related to noncitizens voting?</p> <p>2 A. I believe that --</p> <p>3 MR. SWEETEN: Hold on a minute. Does it</p> <p>4 involve any problems of noncitizens voting, once again,</p> <p>5 you're asking for his thoughts, mental impressions,</p> <p>6 opinions. That is subject to legislative privilege.</p> <p>7 My instruction is do not answer the question</p> <p>8 as phrased. You can refer to matters of the public</p> <p>9 record, however.</p> <p>10 A. It's a public matter that this bill -- it says</p> <p>11 right here that it's a bill to be entitled an act</p> <p>12 relating to requiring a voter to present proof of</p> <p>13 identification, and to the extent that someone who was</p> <p>14 not a citizen can present that ID, then I think it would</p> <p>15 but it's -- you know, it speaks for itself on the face</p> <p>16 of it.</p> <p>17 Q. (BY MS. RIOS) Can you identify any noncitizen</p> <p>18 who has voted, by name?</p> <p>19 MR. SWEETEN: Objection. Legislative</p> <p>20 privilege.</p> <p>21 You can refer to matters of the public</p> <p>22 record.</p> <p>23 A. There was extensive testimony about this in the</p> <p>24 Committee of the Whole when this bill was considered.</p> <p>25 Q. (BY MS. RIOS) Did this testimony in the record</p>	<p style="text-align: center;">151</p> <p>1 Q. (BY MS. RIOS) And who besides you were the main</p> <p>2 proponents of Senate Bill 362?</p> <p>3 MR. SWEETEN: You can answer to the extent</p> <p>4 it's a matter of public record. Don't reveal specific</p> <p>5 communications between legislators.</p> <p>6 A. The legislation reflects the members who were</p> <p>7 joint and co-authors of the bill, and those people were</p> <p>8 supporters of the bill. Beyond that, there's nothing</p> <p>9 that I can add.</p> <p>10 Q. (BY MS. RIOS) Okay. Was this legislation a</p> <p>11 priority for the Governor of Texas? Do you know?</p> <p>12 MR. SWEETEN: Objection. Calls for</p> <p>13 speculation but you can refer to matters of the public</p> <p>14 record.</p> <p>15 A. The Governor has publicly supported voter</p> <p>16 identification legislation. I do not recall</p> <p>17 specifically on Senate Bill 362 whether he spoke to that</p> <p>18 publicly or not but I know that he's long supported</p> <p>19 voter identification laws.</p> <p>20 Q. (BY MS. RIOS) And was this legislation a</p> <p>21 priority for the Lieutenant Governor? Are you aware if</p> <p>22 it is?</p> <p>23 A. Only to the extent that he publicly said that it</p> <p>24 was important to get a voter identification bill passed.</p> <p>25 Q. Okay. Do you know if Senate Bill 362 was a</p>
<p style="text-align: center;">150</p> <p>1 include any information about individuals convicted for</p> <p>2 voting, meaning noncitizens?</p> <p>3 MR. SWEETEN: You can answer as phrased.</p> <p>4 A. No, not to my recollection.</p> <p>5 Q. (BY MS. RIOS) Did you have any communications</p> <p>6 with legislators who opposed 362?</p> <p>7 MR. SWEETEN: You can answer whether you had</p> <p>8 communications.</p> <p>9 A. Yes.</p> <p>10 Q. (BY MS. RIOS) Okay. And who did you communicate</p> <p>11 with?</p> <p>12 MR. SWEETEN: You can answer.</p> <p>13 A. I can't recall everyone. I know that I had a</p> <p>14 conversation with Senator Whitmire, and I had a</p> <p>15 conversation with Senator West and Senator Van de Putte.</p> <p>16 And there were probably others but those are the only</p> <p>17 ones that I can recall at this time.</p> <p>18 Q. (BY MS. RIOS) Okay. Did you take any steps with</p> <p>19 regard to Senate Bill 362 in an attempt to address any</p> <p>20 concerns that they brought to your attention?</p> <p>21 MR. SWEETEN: Don't answer the question. It</p> <p>22 calls for matters subject to the legislative privilege.</p> <p>23 Instruct not to answer.</p> <p>24 A. On the advice of counsel, I can't answer that</p> <p>25 question.</p>	<p style="text-align: center;">152</p> <p>1 priority for anyone outside Texas government? I'm</p> <p>2 referring to organizations, groups.</p> <p>3 MR. SWEETEN: I think -- objection. Vague.</p> <p>4 Also, don't reveal matters of privilege but you can</p> <p>5 answer to the extent you can.</p> <p>6 A. It's a matter of public record who came and</p> <p>7 testified for and against the bill, and I think it's</p> <p>8 clear in the record that the Republican party strongly</p> <p>9 favored the bill and there were other groups that did</p> <p>10 also and there were other groups that did not support</p> <p>11 the bill.</p> <p>12 Q. (BY MS. RIOS) Okay.</p> <p>13 A. But beyond what's in the public record, there's</p> <p>14 nothing that I can add to that.</p> <p>15 Q. Did you meet with any groups or organizations who</p> <p>16 were opponents of 362?</p> <p>17 MR. SWEETEN: You can answer the question as</p> <p>18 phrased.</p> <p>19 A. We heard from the opponents in committee. I may</p> <p>20 have met with them outside of committee but I don't have</p> <p>21 a specific recollection. I wouldn't have been adverse</p> <p>22 to meeting with them but I don't have a specific</p> <p>23 recollection.</p> <p>24 Q. (BY MS. RIOS) And when you say "with them," to</p> <p>25 whom are you --</p>



<p style="text-align: center;">153</p> <p>1 A. The opponents, the people you were asking about.</p> <p>2 Q. Okay. Did you meet with any groups representing</p> <p>3 minority voters?</p> <p>4 A. I don't have a specific recollection. I would</p> <p>5 not have been opposed to meeting. If they had asked for</p> <p>6 a meeting with me, I would have been happy to meet with</p> <p>7 them.</p> <p>8 Q. But you do not recall meeting with them?</p> <p>9 A. Not -- not sitting here today, I don't recall</p> <p>10 whether I did or not.</p> <p>11 Q. What was your role in trying to get SB 362</p> <p>12 passed?</p> <p>13 MR. SWEETEN: You can reveal the matters of</p> <p>14 the public record. Don't reveal matters subject to the</p> <p>15 privilege.</p> <p>16 A. Well, it's, I think, a matter of public record</p> <p>17 that I was a joint author of the bill, that I was a</p> <p>18 strong proponent of it and, as you have pointed out and</p> <p>19 as I've already pointed out, I was the sponsor of the</p> <p>20 rules resolution that allowed us to get this bill to the</p> <p>21 floor.</p> <p>22 Q. (BY MS. RIOS) And you were a co-sponsor of 362?</p> <p>23 A. I think so, the joint author.</p> <p>24 Q. Okay.</p> <p>25 A. Or co-sponsor.</p>	<p style="text-align: center;">155</p> <p>1 the circumstances for adopting this rule?</p> <p>2 MR. SWEETEN: Objection to the question as</p> <p>3 vague.</p> <p>4 A. Would you like to restate the question?</p> <p>5 Q. (BY MS. RIOS) How was this provision adopted in</p> <p>6 the 2009 Senate rules?</p> <p>7 A. Which provision?</p> <p>8 Q. 5.11 D.</p> <p>9 A. That was what I amended into the Senate rules at</p> <p>10 the beginning of the 2009 session. As I recall, it was</p> <p>11 one of two amendments that I made to the rules that</p> <p>12 session.</p> <p>13 Q. Okay. Are you aware of the purpose of the</p> <p>14 two-thirds rule?</p> <p>15 MR. SWEETEN: You can testify as to the</p> <p>16 general purpose of the two-thirds rule.</p> <p>17 A. Yes, and I testified about it earlier and, as</p> <p>18 I've said, it's a calendar mechanism, it is the way we</p> <p>19 control the flow of legislation that comes to the floor.</p> <p>20 Q. (BY MS. RIOS) Okay. And are you aware of the</p> <p>21 purpose of carving out voter ID requirements from the</p> <p>22 general two-thirds rule?</p> <p>23 A. Yes, I am.</p> <p>24 Q. What was the purpose?</p> <p>25 A. They were -- that purpose was clearly stated in</p>
<p style="text-align: center;">154</p> <p>1 Q. What was your strategy for getting 362 passed?</p> <p>2 MR. SWEETEN: I think that calls for you to</p> <p>3 reveal your mental impressions, thoughts about</p> <p>4 legislation, opinions, motivations and communications</p> <p>5 and would be subject to the privilege, and I instruct</p> <p>6 you not to answer on that basis but you can refer to</p> <p>7 matters of the public record.</p> <p>8 A. And I think there is a very clear record in the</p> <p>9 Senate Journal that I laid out when I introduced the</p> <p>10 resolution that gave what my thought process was in how</p> <p>11 we would get this bill to the floor and why we needed to</p> <p>12 get it to the floor.</p> <p>13 Beyond what's in that resolution and what was a</p> <p>14 part of the debate, which is of public record, there's</p> <p>15 nothing that I can add.</p> <p>16 Q. (BY MS. RIOS) Okay. Let me give you</p> <p>17 Exhibit 404.</p> <p>18 (Exhibit 404 marked.)</p> <p>19 Q. (BY MS. RIOS) And these are the Senate rules</p> <p>20 adopted January 14, 2009.</p> <p>21 A. No, they are not. This is a copy of one rule</p> <p>22 that was adopted.</p> <p>23 Q. Okay. It's a copy of one rule. It's an excerpt?</p> <p>24 A. Yes.</p> <p>25 Q. And specifically it shows Rule 5.11. What were</p>	<p style="text-align: center;">156</p> <p>1 the floor debate over the Senate rules. And beyond</p> <p>2 what's a matter of that public record, there's nothing</p> <p>3 else for me to add.</p> <p>4 Q. So, a bill related to voter identification</p> <p>5 requirements would not need an affirmative vote of</p> <p>6 two-thirds of the members present to put it on the</p> <p>7 calendar?</p> <p>8 MR. SWEETEN: You're asking him if that's</p> <p>9 what the bill says?</p> <p>10 Q. (BY MS. RIOS) Is that what it says?</p> <p>11 MR. SWEETEN: You can answer.</p> <p>12 A. Would you restate the question?</p> <p>13 THE WITNESS: Do you want to read that back</p> <p>14 to me?</p> <p>15 A. Or I think you might want to restate it.</p> <p>16 Q. (BY MS. RIOS) When it comes to voter</p> <p>17 identification requirement bills, you would only need a</p> <p>18 majority of the members to vote on it to put it on the</p> <p>19 calendar, while the usual special order rule is that</p> <p>20 they would need two-thirds vote?</p> <p>21 A. That's not correct.</p> <p>22 Q. Okay. Why did you carve out the voter ID</p> <p>23 requirements from the two-thirds rule?</p> <p>24 MR. SWEETEN: He can testify about the</p> <p>25 general purpose of the bill. I think when you start</p>



157

1 asking him about the specific legislation, which is the  
2 voter ID, I think you're starting to get into matters  
3 that are subject to the legislative privilege. I will  
4 let him testify as to the purpose of Rule 5.11, which  
5 he's done twice now today.

6 THE WITNESS: Would you read her question  
7 back to me?

8 (Whereupon, the requested testimony was read back  
9 as follows:

10 QUESTION: Okay. Why did you carve out the voter  
11 ID requirements from the two-thirds rule?)

12 A. I have -- I spoke publicly about this in the  
13 debate on this rule change about us creating a special  
14 order for the voter identification bills that are  
15 reported favorably from the Committee of the Whole, and  
16 so, beyond that, there's really nothing that I can add.

17 Have you not read that?

18 Q. (BY MS. RIOS) Yes, sir.

19 And other than voter identification requirements,  
20 were there any other bills that were carved out from the  
21 two-thirds rule in 2009?

22 MR. SWEETEN: You can answer the question as  
23 phrased.

24 A. In 2009, there were bills that were passed in the  
25 regular order of business that did not require

158

1 two-thirds suspension of the rules, and there were bills  
2 in many other sessions that did not require a two-thirds  
3 suspension of the rules. It was frequently done.

4 Q. (BY MS. RIOS) I'm not referring to the regular  
5 call of business. I'm referring to special orders. Is  
6 the voter ID requirement bill the only one that's  
7 identified in the -- in Rule 5.11 about special orders?

8 A. It is specifically identified in 5.11 D.

9 Q. Okay. And did you try to determine how many  
10 senators would support Senate Bill 362 prior to bringing  
11 it to the floor?

12 A. I didn't bring Senate Bill 362 to the floor.  
13 Senator Fraser did. It was his bill.

14 Q. But as a co-sponsor of the bill, did you try to  
15 find out how many senators would support Senate Bill 362  
16 prior to bringing it to the floor?

17 A. The author of the bill would be the one who would  
18 determine where the votes were.

19 Q. Did you talk to your colleagues in the Senate as  
20 to whether they would support 362?

21 MR. SWEETEN: You can answer as to whether  
22 you had a conversation.

23 A. Yes. As a matter of fact, I have a specific  
24 recollection that in the debate on the rule change, it  
25 was my hope that we would be able to come up with a

159

1 solution that everyone could support.

2 Q. (BY MS. RIOS) What is the significance of  
3 carving out voter identification requirements from, you  
4 know, the rest of Rule 5.11?

5 MR. SWEETEN: I think because you're asking  
6 about the legislation, I think you're asking him to  
7 reveal thoughts and mental impressions that would be  
8 subject to the legislative privilege. He can testify  
9 about the text of the bill. He's testified already  
10 twice about the general purpose.

11 THE WITNESS: Could you repeat the question,  
12 please?

13 (Whereupon, the requested testimony was read back  
14 as follows:

15 QUESTION: What is the significance of carving  
16 out voter identification requirements from, you  
17 know, the rest of Rule 5.11?)

18 A. I spoke specifically about this in the debate  
19 over the adoption of the rules resolution at the  
20 beginning of that session, and as a matter of public  
21 record, I noted that there were several issues, many  
22 instances, I think somewhere around 70 instances, where  
23 bills had been passed without the suspension of the  
24 regular order of business and that specifically three  
25 major issues had been passed.

160

1 They were, as I recall, workers' compensation,  
2 redistricting under both Republicans and Democrats, and  
3 a sweeping tax reform legislation known as the Peveto  
4 Bill. So, I've spoken about it publicly, and beyond  
5 that, there's nothing that I can add to that.

6 Q. (BY MS. RIOS) Okay. And during the past -- and  
7 since you have been a Senator, how many times has that  
8 happened? You mentioned 80, you know, pieces of  
9 legislation but since you have been a Senator, how many?

10 A. I don't recall specifically but we have passed  
11 quite a bit of legislation in, I believe, every session  
12 that I've been in that we did not suspend the regular  
13 order of business.

14 Q. Okay.

15 (Exhibit 405 marked.)

16 Q. (BY MS. RIOS) This is 405. This is a public  
17 statement from you January 15, 2009, and this is comment  
18 allowing a majority vote for Senate floor debate on  
19 legislation requiring valid photo ID to vote.

20 The last paragraph says that, "In recent times,  
21 majority vote rules have been involved in regular  
22 special sessions," and it mentions the number of years  
23 but during your tenure at -- in the Senate, how many  
24 times has the majority vote requirement been invoked?

25 A. The minority vote requirement, I don't know



161

1 what --

2 Q. Majority vote requirement has been invoked.

3 A. I don't know what you're referring to.

4 Q. I'm referring to the very last sentence in the  
5 last paragraph.

6 A. Since I've been -- that last sentence refers to  
7 bills that were passed in the regular order of business.

8 They only require a majority vote.

9 I can't tell you, there's been so -- there's been  
10 numerous bills every session that I've been in the  
11 Senate that have passed in the regular order of  
12 business.

13 Without going back and looking specifically, I  
14 can't tell you. And there may have been a session that  
15 there wasn't but most sessions, there are and, frankly,  
16 many of my colleagues don't understand that.

17 Q. Okay. By addressing photo ID with a majority  
18 vote special order, did that deviate from the just  
19 regular operation in the Senate?

20 A. No. Special orders have been used by a number --  
21 on a number of pieces of legislation over the years, and  
22 I spoke to that in the floor debate about the adoption  
23 of the rules. And as we sit here today, I can't recall  
24 every specific instance but it was well researched, and  
25 I provided my colleagues with that information, and we

162

1 talked about it on the floor.

2 Q. Okay. The debate on the floor of Senate  
3 Resolution 14 lasted like six hours?

4 A. Six or six and a half hours, yeah.

5 Q. Okay. And was -- were some of your colleagues  
6 opposed to Senate Resolution 14?

7 A. Yes.

8 Q. And did they bring to your attention that they  
9 thought that this was, you know, a deviation from their  
10 regular rules?

11 MR. SWEETEN: You can testify based on  
12 matters of the public record.

13 A. As reflected in the Senate Journal, I believe  
14 they did.

15 Q. (BY MS. RIOS) Okay. Would it have been  
16 difficult to pass the voter ID bill in 2009 without the  
17 rules change?

18 MR. SWEETEN: I think it calls for  
19 speculation and calls for him to reveal his mental  
20 thoughts, impressions about legislation.

21 So, don't answer except for to the extent  
22 you can refer to matters of the public record.

23 A. There was a discussion about this that is -- was  
24 a part of the rules resolution debate, as I recall.  
25 Beyond that, there's nothing that I can add to that.

163

1 Q. (BY MS. RIOS) Okay. But did you publicly  
2 acknowledge during this debate that it would be  
3 difficult to pass a voter ID bill this year without the  
4 change of rules?

5 A. I believe that I did.

6 Q. Okay. And did you acknowledge that the voter ID  
7 bill in 2009 had been a partisan issue incapable of  
8 resolution?

9 MR. SWEETEN: You can testify about -- are  
10 you quoting from somewhere?

11 MS. RIOS: Yes.

12 Q. (BY MS. RIOS) I'm going to provide that to you.

13 A. I think what I said was it was an intractable  
14 issue.

15 (Exhibit 406 marked.)

16 Q. (BY MS. RIOS) This is an excerpt, and I'm  
17 bringing to your attention Page 20, which is the second  
18 page. And you're having an exchange with Senator West.  
19 And when he asked you, "It's been a partisan issue  
20 incapable of resolution," you answered, "Correct"?

21 A. Where did I say that?

22 Oh, yes. Okay. I see it. I did say that, yes,  
23 and he said that, that is correct.

24 Q. Okay. Did you make another amendment to the  
25 rules in 2009?

164

1 A. Yes, there was one -- my recollection is there  
2 was one other amendment that was included in that rules  
3 resolution, and if memory serves me correct, it was a  
4 technical correction that was related to a  
5 constitutional amendment that was passed by Senator  
6 Carona in the previous session regarding the recording  
7 of record votes, and the legislation -- or the  
8 constitutional amendment that we passed was in conflict  
9 with the Senate rules, and we corrected that conflict to  
10 reflect the constitutional amendment that had been  
11 passed and adopted by the voters.

12 Q. Okay. And how was Senate Resolution 14 voted?  
13 What was the final tally?

14 A. I don't remember the final tally. What I recall  
15 is that none of the Democrats voted for it and all of  
16 the Republicans voted for it except for Senator Carona.

17 Q. Okay.

18 A. That's my recollection.

19 Q. And part of Rule 5.11 D provides that the bill  
20 would go to the Committee of the Whole instead of going  
21 to one of the other Senate committees. Is this the  
22 usual -- is it unusual for a bill to go straight to the  
23 Committee of the Whole?

24 MR. SWEETEN: Answer as a general matter.

25 A. I spoke to it in the floor debate, and my





165

1 recollection of what I said was that I thought it was an  
2 important issue, that it needed to be before the entire  
3 body so that everyone could hear the same testimony and  
4 that I was hopeful that as a result of us all working on  
5 it at the same time that we would be able to come up  
6 with a bipartisan solution to the problem.

7 Q. (BY MS. RIOS) Okay. Any other bill during your  
8 tenure at the Senate being filed in the Committee of the  
9 Whole without going to any other committee first?

10 A. We have considered redistricting bills in the  
11 Committee of the Whole, as I recall.

12 Q. In addition to restricting bills?

13 A. I don't recall whether any other bills were  
14 considered in the Committee of the Whole or not. I know  
15 this bill was and I believe one of our redistricting  
16 bills was.

17 Q. Okay. The last page of this excerpt of the Texas  
18 Journal, Page 61 has some closing remarks by Senator  
19 Carona, and towards the middle of the paragraph he  
20 states, "I refuse to believe that, in the spirit of  
21 goodwill and statesmanship, we couldn't sit down  
22 together, given the appropriate amount of time, and work  
23 through this issue. I know you say, 'Well, yes, we'll  
24 have that now and in the Committee of the Whole,' but we  
25 know that's not the same because the leverage changes

166

1 entirely. Well, all you need is 16 votes and you  
2 already got them."

3 Do you agree that by bringing Senate Bill 362 to  
4 the Committee of the Whole instead of to a regular  
5 committee the leverage changed?

6 MR. SWEETEN: Don't reveal your thoughts and  
7 mental impressions about legislation. You can refer to  
8 matters of the public record in answering the question.

9 A. That was certainly Senator Carona's impression.  
10 And it was my goal to get this bill, as I stated, before  
11 the Committee of the Whole so we could all consider it  
12 together.

13 MR. SWEETEN: Maria, I've got to take a  
14 quick break. Can we take about a 3-minute time out?

15 MS. RIOS: Yes.

16 (Short recess.)

17 MS. RIOS: Okay. Let's go back on the  
18 record.

19 Q. (BY MS. RIOS) Okay. You said -- and this is in  
20 the record -- that bringing the issue of in-person voter  
21 impersonation to the Committee of the Whole would help,  
22 you know, craft a bipartisan solution. What did you --  
23 what concerns brought by the opposition were -- were  
24 included in the amendments?

25 MR. SWEETEN: One second.

167

1 Q. (BY MS. RIOS) Let me strike that. Let me  
2 just --

3 During the debate on Senate Resolution 14, some  
4 members of the opposition raised issues that were  
5 important, you know, to them to see if they could be  
6 added to your rules change. Why weren't these  
7 amendments incorporated?

8 MR. SWEETEN: Don't answer the question.  
9 I'm instructing you not to answer on the basis of  
10 legislative privilege.

11 A. On the advice of counsel, I don't believe I can  
12 answer that question.

13 Q. (BY MS. RIOS) Okay. And during the debate on  
14 362, what concerns of the opposition were incorporated  
15 into the bill?

16 MR. SWEETEN: Don't answer the question  
17 unless you can do so based upon matters of public  
18 record. Don't reveal your thoughts, mental impressions  
19 about the bill in answering the question.

20 A. Yeah, you know, there's nothing beyond what's in  
21 the public record about amendments that were adopted or  
22 not adopted that I could add. So --

23 Q. (BY MS. RIOS) So, do you recall any amendments,  
24 you know, proposed by Senators of racial or ethnic  
25 origins that were incorporated into Senate Bill 362?

168

1 MR. SWEETEN: You can answer. That's based  
2 on the public record.

3 A. I don't recall any amendments that were offered  
4 during that debate at all. So, not without looking at  
5 the record, I have no independent recollection.

6 Q. (BY MS. RIOS) Okay. Do you agree that a key to  
7 the effective implementation of -- strike that.

8 Okay. I'm going to give you some excerpts of the  
9 floor debate -- well, the Committee of the Whole  
10 consideration of SB 362.

11 (Exhibit 407 marked.)

12 Q. (BY MS. RIOS) Let me give you this copy.

13 A. How do I know they are the same as this one?  
14 This is bigger than the one you gave me.

15 Q. I eliminated some pages but I am not going to --  
16 I will tell you which page number.

17 MR. SWEETEN: This looks like it's  
18 double-sided. So, let's just make sure it's the same.  
19 I just want to make sure the record is clear. I don't  
20 have any doubt it's the same if you say it is. If  
21 there's any difference, why don't we just mark --

22 A. This starts with Page 33, this one starts with  
23 Page 33. Then it goes to 34 and then to Page 9. It's  
24 different.

25 MR. SWEETEN: If this is what you want to



<p style="text-align: center;">169</p> <p>1 mark, let's just mark it as a new one.</p> <p>2 MS. RIOS: Okay.</p> <p>3 (Exhibit 408 marked.)</p> <p>4 A. So, we're looking at 408?</p> <p>5 Q. (BY MS. RIOS) Yes.</p> <p>6 A. Okay.</p> <p>7 MR. SWEETEN: I'll look on with you, if you</p> <p>8 don't mind.</p> <p>9 Q. (BY MS. RIOS) Sorry about that. I'm talking</p> <p>10 about this one.</p> <p>11 MR. SWEETEN: Okay. So, put 408 aside.</p> <p>12 (Exhibit 409 marked.)</p> <p>13 MS. ABUDU: Maria, do you have extra copies</p> <p>14 of that?</p> <p>15 MS. RIOS: Yes.</p> <p>16 MS. ABUDU: This is 409, Committee of the</p> <p>17 Whole?</p> <p>18 MS. RIOS: Yes.</p> <p>19 Q. (BY MS. RIOS) Okay. SB 362 allowed voters the</p> <p>20 alternative of presenting nonphoto IDs; is that correct?</p> <p>21 A. 362 was from the '07 session?</p> <p>22 Q. No. 362 is from '09.</p> <p>23 MR. SWEETEN: Let's give him the bill.</p> <p>24 THE WITNESS: Could you read the question</p> <p>25 back, please?</p>	<p style="text-align: center;">171</p> <p>1 A. Uh-huh.</p> <p>2 Q. -- Mr. Davidson says, "Well, as I have explained</p> <p>3 to the other senator just a minute ago, it is sometimes</p> <p>4 expensive to get various forms of photo ID that are</p> <p>5 required to vote."</p> <p>6 And later on in that page you state that you can</p> <p>7 also bring alternate forms, and then you go on to list</p> <p>8 the forms that don't have a photograph.</p> <p>9 If you go on to Page 540, you state, "I think</p> <p>10 it's very inflammatory for you to come before this body</p> <p>11 and talk about the legislature imposing a poll tax when</p> <p>12 the bill doesn't provide for that at all."</p> <p>13 So, my question to you, Senator Williams, is you</p> <p>14 supported Senate Bill 362; is that correct?</p> <p>15 A. I did.</p> <p>16 Q. Okay. And Senate Bill 362 provided for the</p> <p>17 alternative of bringing two nonphoto IDs to the polls;</p> <p>18 is that correct?</p> <p>19 A. I think what it did is that it provided that if</p> <p>20 you had your voter registration card and one other form</p> <p>21 of ID that that would be sufficient.</p> <p>22 Q. And was Senate Bill 362 an improvement on the</p> <p>23 current system?</p> <p>24 MR. SWEETEN: Don't answer the question. It</p> <p>25 would ask you to reveal thoughts, mental impressions</p>
<p style="text-align: center;">170</p> <p>1 (Whereupon, the requested testimony was read back</p> <p>2 as follows:</p> <p>3 QUESTION: Okay. SB 362 allowed voters the</p> <p>4 alternative of presenting nonphoto IDs; is that</p> <p>5 correct?)</p> <p>6 A. Yes.</p> <p>7 Q. (BY MS. RIOS) Okay. And this was not something</p> <p>8 that was included in Senate Bill 14; is that correct?</p> <p>9 A. I believe that's correct.</p> <p>10 Q. Okay. There were allegations in the debate that</p> <p>11 in order to comply with Senate Bill 362, there would be</p> <p>12 costs incurred and that it was a poll tax and that was</p> <p>13 something that Dr. Chandler Davidson spoke about during</p> <p>14 this debate. Do you remember discussing the debate with</p> <p>15 Dr. Davidson?</p> <p>16 A. Not specifically but I bet if you've got a copy</p> <p>17 of the transcript, I might be able to remember it.</p> <p>18 Q. If you go to US 4393 --</p> <p>19 MR. SWEETEN: Did you say 4393?</p> <p>20 MS. RIOS: Yes.</p> <p>21 MR. SWEETEN: Is that a page number?</p> <p>22 MS. RIOS: On the bottom.</p> <p>23 A. Got it.</p> <p>24 Q. (BY MS. RIOS) And if you look at the transcript</p> <p>25 at Page 536 --</p>	<p style="text-align: center;">172</p> <p>1 about the bill. You can refer to matters of the public</p> <p>2 record in answering but don't reveal matters that are</p> <p>3 privileged.</p> <p>4 A. What I would say is that this bill was opposed by</p> <p>5 every Democrat on the floor of the Senate.</p> <p>6 Q. (BY MS. RIOS) Do you believe that identification</p> <p>7 without a photograph does not verify the identity of a</p> <p>8 voter?</p> <p>9 MR. SWEETEN: Don't answer the question. It</p> <p>10 asks for your mental impressions about legislation.</p> <p>11 A. On the advice of counsel, I cannot answer that</p> <p>12 question.</p> <p>13 Q. (BY MS. RIOS) Do you agree that the key to</p> <p>14 effective implementation of the voter ID bill is</p> <p>15 adequate poll worker training?</p> <p>16 MR. SWEETEN: Don't answer the question to</p> <p>17 the extent it asks you to reveal your thoughts and</p> <p>18 mental impressions about the legislation. That would be</p> <p>19 legislatively privileged.</p> <p>20 A. I don't know whether we're talking about Senate</p> <p>21 Bill 362 or Senate Bill 14. Can you tell me?</p> <p>22 Q. (BY MS. RIOS) 362.</p> <p>23 A. And I --</p> <p>24 MR. SWEETEN: My instruction is don't reveal</p> <p>25 your thoughts and mental impressions about the bill.</p>



173

1 A. I think beyond what I said in the public record,  
 2 there's nothing else that I can add.  
 3 Q. (BY MS. RIOS) Okay. During the floor debate on  
 4 Senate Bill 362, did anyone raise concerns about its  
 5 impact on minority voters?  
 6 MR. SWEETEN: Talking about the debate, you  
 7 can answer.  
 8 A. I think it's a matter of public record.  
 9 Q. (BY MS. RIOS) And what was your response to  
 10 these concerns?  
 11 MR. SWEETEN: On the public record, you can  
 12 answer to the extent you refer to that.  
 13 A. I would refer you back to the public record.  
 14 There's nothing I can add to it.  
 15 Q. (BY MS. RIOS) Did any racial or ethnic minority  
 16 Senator vote in favor of SB 362?  
 17 A. I don't believe so.  
 18 Q. Okay. Did you place any significance on the  
 19 united opposition of all minority members of the Senate?  
 20 MR. SWEETEN: Don't answer the question. It  
 21 calls for matters of legislative privilege. Instruct  
 22 not to answer.  
 23 A. On the advice of counsel, I don't believe I can  
 24 answer the question.  
 25 Q. (BY MS. RIOS) Okay. Do you believe that their

174

1 concern about the impact of the bill on minority voters  
 2 was genuine?  
 3 MR. SWEETEN: Objection. Calls for him to  
 4 reveal matters of legislative privilege, his mental  
 5 impressions and it calls for speculation.  
 6 Do not answer the question as posed.  
 7 A. I can't answer the question, on the advice of  
 8 counsel.  
 9 Q. (BY MS. RIOS) Was it true that some legislators  
 10 and members of the public stayed up all night during the  
 11 consideration of SB 362 before the Committee of the  
 12 Whole?  
 13 A. Could you repeat the question, please? I'm  
 14 sorry.  
 15 Q. Was it true that some legislators and members of  
 16 the public stayed up all night during the debate on 362?  
 17 A. Yes.  
 18 Q. Why do you think there was such strong opposition  
 19 to Senate Bill 362?  
 20 MR. SWEETEN: Don't answer the question. It  
 21 calls for matters of legislative privilege. Instruct  
 22 not to answer.  
 23 A. On the advice of counsel, I can't answer your  
 24 question.  
 25 Q. (BY MS. RIOS) Okay. When SB 362 was passed --

175

1 passed the Senate, what was the vote?  
 2 MR. SWEETEN: You can answer.  
 3 A. It's a matter of public record. All the  
 4 Republicans voted for it and none of the Democrats voted  
 5 for it.  
 6 Q. (BY MS. RIOS) Did you place any significance on  
 7 the united opposition of the minority party to Senate  
 8 Bill 362?  
 9 MR. SWEETEN: Objection to legislative  
 10 privilege.  
 11 Instruct not to answer.  
 12 A. On the advice of counsel, I can't answer your  
 13 question.  
 14 Q. (BY MS. RIOS) Did you have any role once Senate  
 15 Bill 362 was referred to the House? Did you have any  
 16 conversations with any House members on Senate Bill 362  
 17 after it left the House -- I mean, after it left the  
 18 Senate?  
 19 MR. SWEETEN: You can answer.  
 20 A. I have no specific recollection of a conversation  
 21 with House members. I'm sure during the course of the  
 22 session that I visited with my friends and colleagues in  
 23 the House about this important legislation but I don't  
 24 have any specific recollection of when, who or what we  
 25 talked about.

176

1 Q. (BY MS. RIOS) Okay. Are you aware of a federal  
 2 statute called the Help America Vote Act or HAVA?  
 3 A. I am.  
 4 Q. And does HAVA implement identification  
 5 requirements for certain voter registration applicants?  
 6 A. I don't know the answer to that.  
 7 Q. Do you know what forms of ID are sufficient under  
 8 HAVA?  
 9 A. I do not.  
 10 Q. Do you know if HAVA allows for registration  
 11 applicants to show nonphoto ID?  
 12 A. I don't know the answer to that.  
 13 Q. Do you have any reason to believe that the  
 14 requirements under HAVA are insufficient?  
 15 MR. SWEETEN: Don't reveal matters subject  
 16 to the legislative privilege.  
 17 A. I don't know what the requirements of HAVA are,  
 18 so, I can't tell you.  
 19 You know, we've got to have some AC in here or  
 20 I'm leaving. It is too hot.  
 21 MR. SWEETEN: That's fine. I'll go down and  
 22 talk to the lady.  
 23 (Off the record.)  
 24 Q. (BY MS. RIOS) Let's go to Senate Bill 14. It's  
 25 the one that the Governor signed.



<p style="text-align: center;">177</p> <p>1 (Exhibit 410 marked.)</p> <p>2 Q. (BY MS. RIOS) Okay. So, Senator Williams, did</p> <p>3 you have a role in the introduction of Senate Bill 14 in</p> <p>4 2011?</p> <p>5 A. I was a joint or co-sponsor of the bill.</p> <p>6 Q. Okay. And did you have a role in laying the</p> <p>7 rules for consideration of Senate Bill 14?</p> <p>8 A. I did not lay out the rules resolution in that</p> <p>9 session, as I recall. Senator Eltife did.</p> <p>10 Q. Okay.</p> <p>11 (Exhibit 411 marked.)</p> <p>12 Q. (BY MS. RIOS) And if you could compare this one</p> <p>13 to the rule from 2009.</p> <p>14 MS. ABUDU: Maria, do you have an extra copy</p> <p>15 of that one?</p> <p>16 MS. RIOS: Yes.</p> <p>17 Q. (BY MS. RIOS) Okay. Who decided who was going</p> <p>18 to lay the rules for consideration of the voter</p> <p>19 identification requirements?</p> <p>20 MR. SWEETEN: You can reveal matters of</p> <p>21 public record. Don't reveal communications you've had.</p> <p>22 That would be privileged.</p> <p>23 A. My recollection of this is that Senator -- excuse</p> <p>24 me -- Lieutenant Governor Dewhurst recognized Senator</p> <p>25 Eltife, who was the Chair of the Senate Administration</p>	<p style="text-align: center;">179</p> <p>1 60 days?</p> <p>2 A. It could be considered once it was an emergency</p> <p>3 item. It could not unless it was an emergency item but</p> <p>4 it doesn't automatically make it considered.</p> <p>5 Q. And this emergency designation comes from the</p> <p>6 Governor, the voter ID as an emergency matter?</p> <p>7 A. Are you asking me a question?</p> <p>8 Q. Yes, I'm asking you.</p> <p>9 A. And what is your question?</p> <p>10 Q. Okay. My question is did you request that the</p> <p>11 Governor designate SB14 as an emergency legislation?</p> <p>12 A. Not that I recall.</p> <p>13 Q. Do you know if anyone requested the Governor to</p> <p>14 designate SB14 as an emergency legislation?</p> <p>15 A. I don't know who might have done that. I may</p> <p>16 have known but I don't know now. I don't recall.</p> <p>17 Q. Okay. Did you have any meetings with the</p> <p>18 Governor or his staff about SB14?</p> <p>19 A. Not to the best of my recollection.</p> <p>20 Q. Okay. And did you have any meetings with the</p> <p>21 Lieutenant Governor about SB14?</p> <p>22 A. I don't have a specific recollection. I feel</p> <p>23 certain that I did have a meeting with him but I don't</p> <p>24 recall the time or place or who was present at the</p> <p>25 meeting.</p>
<p style="text-align: center;">178</p> <p>1 Committee in the 2011 session, and he carried the rules</p> <p>2 that session.</p> <p>3 Q. (BY MS. RIOS) Okay. Did you have any meetings</p> <p>4 with the Lieutenant Governor about laying this rule?</p> <p>5 MR. SWEETEN: You can answer if you had any</p> <p>6 meetings.</p> <p>7 A. Yes, I did. I don't recall the specific time or</p> <p>8 who was present in the meeting or what was discussed or</p> <p>9 how many times we met. I'm sure I met with him about</p> <p>10 that.</p> <p>11 Q. (BY MS. RIOS) And did you meet before the</p> <p>12 session started?</p> <p>13 A. I don't recall.</p> <p>14 Q. Was SB14 given a designation by the Governor to</p> <p>15 be emergency legislation?</p> <p>16 A. My recollection is that he did make voter ID an</p> <p>17 emergency item.</p> <p>18 Q. And what are the consequences of a bill to have</p> <p>19 such designation?</p> <p>20 A. It can be considered earlier in the session.</p> <p>21 Q. Okay. And by giving it emergency designation,</p> <p>22 does it automatically get considered within the first</p> <p>23 60 days of the session?</p> <p>24 A. Not automatically.</p> <p>25 Q. Would it usually be considered within the first</p>	<p style="text-align: center;">180</p> <p>1 Q. Was it one meeting or several meetings?</p> <p>2 A. I don't recall.</p> <p>3 Q. Okay. And the meeting that you had with the</p> <p>4 Lieutenant Governor and his staff, did you request the</p> <p>5 meeting or did they request you to attend such meeting?</p> <p>6 A. I don't recall.</p> <p>7 Q. And the meeting with the Governor, who invited</p> <p>8 whom?</p> <p>9 MR. SWEETEN: I think he said there wasn't a</p> <p>10 meeting.</p> <p>11 A. I didn't meet with the Governor. I think that</p> <p>12 was my testimony. I don't recall that I ever met with</p> <p>13 him about it.</p> <p>14 Q. (BY MS. RIOS) All right. Do you know what was</p> <p>15 the need to consider SB14 in the first 60 days of the</p> <p>16 legislative session?</p> <p>17 MR. SWEETEN: You're asking for him to</p> <p>18 reveal his mental impressions, thoughts, motivations</p> <p>19 about the legislation, potentially communications with</p> <p>20 protected individuals and entities. So, I'm going to</p> <p>21 instruct him not to answer on that basis.</p> <p>22 To the extent that you can refer to matters</p> <p>23 of the public record, you are free to do so. Don't</p> <p>24 reveal privilege in the answer.</p> <p>25 THE WITNESS: Can you restate her question</p>

<p style="text-align: center;">181</p> <p>1 for me, please?</p> <p>2 (Whereupon, the requested testimony was read back</p> <p>3 as follows:</p> <p>4 QUESTION: All right. Do you know what was the</p> <p>5 need to consider SB14 in the first 60 days of the</p> <p>6 legislative session?)</p> <p>7 A. The Governor makes that designation, and you</p> <p>8 would have to ask him what his reasons were. He spoke</p> <p>9 publicly about it, and you can look at the public record</p> <p>10 about it but I know nothing beyond what he said</p> <p>11 publicly.</p> <p>12 Q. (BY MS. RIOS) Okay. And looking at the -- at</p> <p>13 the -- at Rule 5.11 from 2011, is it similar to the</p> <p>14 rule -- referring to rule 5.11 -- to the version from</p> <p>15 two years before?</p> <p>16 A. I believe that it's the same. Yeah, I believe</p> <p>17 it's the same.</p> <p>18 Q. And why was this provision adopted in the rules?</p> <p>19 MR. SWEETEN: He can testify about the</p> <p>20 general purpose of 5.11, which I think he has just said</p> <p>21 it's the same but you can ask him the general purpose.</p> <p>22 A. Beyond what I've already said, there's nothing I</p> <p>23 can add. It's exactly the same as the '09 rule.</p> <p>24 Q. (BY MS. RIOS) And once again, pursuant to this</p> <p>25 rule, SB14 would be considered by the Committee of the</p>	<p style="text-align: center;">183</p> <p>1 Bill 14 with other current or former legislators who had</p> <p>2 offered past photo ID bills?</p> <p>3 A. Yes.</p> <p>4 Q. With whom?</p> <p>5 A. With Senator Fraser, that I recall. Beyond that,</p> <p>6 I'm sure there were other members of the legislature</p> <p>7 that I talked to but I don't recall specifically, and I</p> <p>8 don't recall with him when, how often or how many times.</p> <p>9 Q. And in drafting Senate Bill 14, did you or your</p> <p>10 staff review any reports or studies?</p> <p>11 MR. SWEETEN: Don't answer that. That calls</p> <p>12 for matters of legislative privilege. You can answer by</p> <p>13 referring to matters of the public record but don't</p> <p>14 reveal your thoughts, mental impressions or opinions.</p> <p>15 A. I think it's a public record that Senator Fraser</p> <p>16 drafted the bill.</p> <p>17 Q. (BY MS. RIOS) I'm referring to if you reviewed</p> <p>18 any reports or any studies that would have helped in</p> <p>19 drafting Senate Bill 14?</p> <p>20 MR. SWEETEN: Same instruction. Don't</p> <p>21 answer if it reveals privilege. You can refer to</p> <p>22 matters of the public record, however.</p> <p>23 A. I didn't draft the bill.</p> <p>24 Q. (BY MS. RIOS) Okay. And did you ask -- did you</p> <p>25 or your staff conduct any analysis related to the voter</p>
<p style="text-align: center;">182</p> <p>1 Whole?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. And how many other bills in this 82nd</p> <p>4 session were considered by the Committee of the Whole</p> <p>5 without being considered by another committee</p> <p>6 previously?</p> <p>7 A. I don't recall that there were any other bills</p> <p>8 that were considered by the Committee of the Whole that</p> <p>9 session but my memory is imperfect. That's some time</p> <p>10 ago.</p> <p>11 Q. Okay. When did you start working on the</p> <p>12 development of Senate Bill 14?</p> <p>13 A. You know, Senator Fraser was the sponsor of this</p> <p>14 bill, as I recall, and I think he developed the bill,</p> <p>15 and then probably the first time I would have really</p> <p>16 considered it would have been in committee because I was</p> <p>17 on the State Affairs Committee the last session.</p> <p>18 Q. Okay.</p> <p>19 A. Or it was sent to the Committee of the Whole.</p> <p>20 So, that would have been just prior to -- it's his bill.</p> <p>21 He had it drafted.</p> <p>22 Q. No, I'm asking you because you identified</p> <p>23 yourself as a co-sponsor.</p> <p>24 A. Right.</p> <p>25 Q. And did you have any communications about Senate</p>	<p style="text-align: center;">184</p> <p>1 ID issue?</p> <p>2 MR. SWEETEN: Don't answer the question</p> <p>3 unless -- except for referring to matters of the public</p> <p>4 record. That is a matter that is legislatively</p> <p>5 privileged. Your analysis, mental impressions,</p> <p>6 opinions, thoughts about the legislation are privileged.</p> <p>7 THE WITNESS: Would you repeat the question,</p> <p>8 please?</p> <p>9 (Whereupon, the requested testimony was read back</p> <p>10 as follows:</p> <p>11 QUESTION: Okay. And did you ask -- did you or</p> <p>12 your staff conduct any analysis related to the</p> <p>13 voter ID issue?)</p> <p>14 A. My staff would have reviewed Senate Bill 14.</p> <p>15 Q. (BY MS. RIOS) Did you consider including any</p> <p>16 additional forms of ID in Senate Bill 14 that had not</p> <p>17 been included in prior pieces of legislation?</p> <p>18 MR. SWEETEN: Don't answer the question. It</p> <p>19 calls for matters of legislative privilege. Do not</p> <p>20 reveal that information.</p> <p>21 A. On the advice of counsel, I can't answer your</p> <p>22 question.</p> <p>23 Q. (BY MS. RIOS) And did you consider allowing</p> <p>24 expired forms of ID?</p> <p>25 MR. SWEETEN: Don't answer the question. It</p>





<p style="text-align: center;">185</p> <p>1 calls for matters of legislative privilege. Those are</p> <p>2 mental impressions, opinions and thoughts.</p> <p>3 A. On the advice of counsel, I can't answer your</p> <p>4 question.</p> <p>5 Q. (BY MS. RIOS) Okay. If a photo ID is expired</p> <p>6 but was validly issued, why doesn't that prove that the</p> <p>7 person is the same person on the ID?</p> <p>8 MR. SWEETEN: Don't answer the question to</p> <p>9 the extent it relates to legislation, including Senate</p> <p>10 Bill 14. Your analysis, thoughts and mental impressions</p> <p>11 about the bill, if it doesn't reveal those, then you can</p> <p>12 provide an answer.</p> <p>13 A. There -- I don't have anything that I can share</p> <p>14 with you beyond what was part of the public testimony</p> <p>15 that we took in the Committee of the Whole.</p> <p>16 MR. SWEETEN: Can we go ahead and put on</p> <p>17 record Spencer's --</p> <p>18 MR. FISHER: Spencer Fisher for the Attorney</p> <p>19 General.</p> <p>20 THE WITNESS: For which Attorney General?</p> <p>21 MR. SWEETEN: The Department of Justice.</p> <p>22 THE WITNESS: Eric Holder, Attorney General?</p> <p>23 MR. SWEETEN: Yes.</p> <p>24 MS. ABUDU: The Attorney General.</p> <p>25 Q. (BY MS. RIOS) You indicated earlier in testimony</p>	<p style="text-align: center;">187</p> <p>1 Q. (BY MS. RIOS) Okay. Did you request the</p> <p>2 Secretary of State's office to conduct any analysis on</p> <p>3 how many registered voters lacked a driver's license?</p> <p>4 MR. SWEETEN: Same objection. You're asking</p> <p>5 him to reveal communications he may or may not have had</p> <p>6 with the Secretary of State's office.</p> <p>7 You can refer to matters of the public</p> <p>8 record. You can also identify whether or not you had</p> <p>9 communications with the Secretary of State but, as</p> <p>10 phrased, she's asking the substance of those questions.</p> <p>11 Do you understand my instructions?</p> <p>12 THE WITNESS: I think so.</p> <p>13 MR. SWEETEN: Okay.</p> <p>14 A. And what I would say is that, you know, I don't</p> <p>15 have any specific recollection beyond what was said</p> <p>16 that's a matter of the public record. I believe I</p> <p>17 talked to the Secretary of State. Whatever, you know, I</p> <p>18 said in the public record is all that I recall about it.</p> <p>19 Q. (BY MS. RIOS) Did you have any conversations</p> <p>20 with anyone in the Secretary of State's office about the</p> <p>21 driver's license records?</p> <p>22 MR. SWEETEN: You can answer. It's a</p> <p>23 general subject matter. You can answer whether a</p> <p>24 conversation occurred.</p> <p>25 A. You know, I may have, and I don't -- I really</p>
<p style="text-align: center;">186</p> <p>1 that in Texas you can go -- that 12 years can go by</p> <p>2 without getting a new photograph for your driver's</p> <p>3 license; is that correct?</p> <p>4 A. Yes, I testified to that.</p> <p>5 Q. Okay. So, a recently expired driver's license,</p> <p>6 wouldn't that prove that the person is the same person</p> <p>7 on the ID?</p> <p>8 MR. SWEETEN: Same objection and instruction</p> <p>9 as previously.</p> <p>10 A. And I think my answer is the same. Beyond what</p> <p>11 we talked about in the Committee of the Whole, there's</p> <p>12 really nothing I can add to that, or the floor debate.</p> <p>13 That's all part of the public record.</p> <p>14 Q. (BY MS. RIOS) Okay. Did you or your staff</p> <p>15 conduct any analysis on how many registered voters</p> <p>16 possess the forms of ID required by Senate Bill 14?</p> <p>17 MR. SWEETEN: Don't answer the question. It</p> <p>18 calls for matters that are subject to the legislative</p> <p>19 privilege. You can answer as to matters of the public</p> <p>20 record.</p> <p>21 A. And that information was discussed at length</p> <p>22 during the committee process and in the floor debate on</p> <p>23 Senate Bill 14.</p> <p>24 MR. SWEETEN: I'm also going to object that</p> <p>25 it's asked and answered.</p>	<p style="text-align: center;">188</p> <p>1 don't recall without going back and looking at the</p> <p>2 record.</p> <p>3 Q. (BY MS. RIOS) Okay. Did you or your staff</p> <p>4 conduct any analysis to determine if minority voters</p> <p>5 would be disproportionately less likely to possess the</p> <p>6 forms of ID required by SB14?</p> <p>7 MR. SWEETEN: Objection. Legislative</p> <p>8 privilege.</p> <p>9 Don't answer the question if it would reveal</p> <p>10 matters of legislative privilege. You can refer to</p> <p>11 matters of the public record.</p> <p>12 A. I think on the advice of counsel, I can't --</p> <p>13 there's nothing for me to add.</p> <p>14 Q. (BY MS. RIOS) Okay. What is a military ID?</p> <p>15 MR. SWEETEN: You can answer.</p> <p>16 A. It's an identification card issued by the United</p> <p>17 States government to members of the military.</p> <p>18 Q. (BY MS. RIOS) Okay. How many forms of military</p> <p>19 ID are acceptable under SB14?</p> <p>20 A. It says in Section 63.010, Subsection 2 that a</p> <p>21 United States military identification card that contains</p> <p>22 the person's photograph that has not expired or that has</p> <p>23 expired no earlier than 60 days before the date of</p> <p>24 presentation.</p> <p>25 Q. Okay. Did you or your staff research which</p>



<p style="text-align: center;">189</p> <p>1 agency issued valid military IDs?</p> <p>2 MR. SWEETEN: Don't answer the question.</p> <p>3 Calls for matters of legislative privilege. You can</p> <p>4 refer to matters of the public record but don't reveal</p> <p>5 your thought process or mental impression analysis.</p> <p>6 A. On the advice of counsel, I don't think there's</p> <p>7 anything I can add to your -- or that I can answer your</p> <p>8 question.</p> <p>9 Q. (BY MS. RIOS) So, you cannot tell me how many</p> <p>10 different types of military ID there are?</p> <p>11 A. No.</p> <p>12 Q. Okay. What is a citizenship certificate?</p> <p>13 A. I don't know.</p> <p>14 Q. It is one of the --</p> <p>15 A. Yeah.</p> <p>16 Q. -- acceptable types of ID in Senate Bill 14.</p> <p>17 Have you seen one?</p> <p>18 A. No.</p> <p>19 Q. Okay. And would you know how much it costs to</p> <p>20 obtain one?</p> <p>21 A. No.</p> <p>22 Q. Do you know how you would obtain a replacement?</p> <p>23 A. No.</p> <p>24 Q. Do you know whether all citizenship certificates</p> <p>25 include a photograph?</p>	<p style="text-align: center;">191</p> <p>1 Q. Oh, you've never seen one. So, a person who</p> <p>2 brings to the polling booth a citizenship certificate</p> <p>3 that has a picture of him when he was 5 years old, would</p> <p>4 that verify that person's identity?</p> <p>5 A. I have no idea.</p> <p>6 Q. How much does it cost to obtain a U.S. passport?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you have a passport?</p> <p>9 A. I do.</p> <p>10 Q. Okay. And do you know what documents you have to</p> <p>11 provide to obtain one?</p> <p>12 A. You know, all I remember -- what I recall is a</p> <p>13 certified birth certificate and a driver's license but I</p> <p>14 could be wrong about that. It's been a long time since</p> <p>15 I renewed it.</p> <p>16 Q. And do you know how many Texan voters hold valid</p> <p>17 U.S. passports?</p> <p>18 A. No.</p> <p>19 Q. Did you or your staff do any research into how</p> <p>20 many Texan voters currently hold U.S. passports?</p> <p>21 MR. SWEETEN: Don't answer the question. It</p> <p>22 asks to reveal matters subject to the legislative</p> <p>23 privilege. Instruct not to answer. You can reveal</p> <p>24 matters that are of public record.</p> <p>25 A. I can't answer on the advice of counsel.</p>
<p style="text-align: center;">190</p> <p>1 A. No.</p> <p>2 Q. So, are you saying that a citizenship certificate</p> <p>3 without a photograph would be an acceptable form of ID</p> <p>4 under Senate Bill 14?</p> <p>5 A. I didn't say that.</p> <p>6 Q. Do you know if citizenship certificates have</p> <p>7 photographs?</p> <p>8 A. No.</p> <p>9 Q. So, was a citizenship certificate included in</p> <p>10 SB14 without any investigation as to whether that is a</p> <p>11 photo ID?</p> <p>12 A. I don't see where it's included but -- election</p> <p>13 identification certificate -- you're going to have to</p> <p>14 show me where it's in here.</p> <p>15 Q. Okay. It would be on Page 10, and it says that</p> <p>16 it includes a person's photograph.</p> <p>17 A. No.</p> <p>18 Q. Okay.</p> <p>19 A. What it says is that a United States citizenship</p> <p>20 certificate issued to the person that contains the</p> <p>21 person's photograph would be acceptable. It doesn't say</p> <p>22 that it does or does not.</p> <p>23 Q. Okay. And are you aware that some children are</p> <p>24 issued citizenship certificates by the United States?</p> <p>25 A. I've already testified that I've never seen one.</p>	<p style="text-align: center;">192</p> <p>1 Q. (BY MS. RIOS) Did you or your staff perform any</p> <p>2 analysis on the number of minority voters in Texas who</p> <p>3 hold valid passports?</p> <p>4 MR. SWEETEN: Same objection. Same</p> <p>5 instruction.</p> <p>6 A. Same answer. I can't answer, on the advice of</p> <p>7 counsel.</p> <p>8 Q. (BY MS. RIOS) Are you aware of the purpose for</p> <p>9 removing from SB14 the option of a voter showing two</p> <p>10 forms of nonphoto ID?</p> <p>11 MR. SWEETEN: Don't answer the question.</p> <p>12 He will answer questions as to the general</p> <p>13 purpose of the bill, as set forth in the Court's order.</p> <p>14 He's not going to answer questions as you phrased it.</p> <p>15 A. Only to the extent that matter was discussed on</p> <p>16 the floor of the Senate or the committee.</p> <p>17 Q. (BY MS. RIOS) Okay. And can you tell me what</p> <p>18 changed between 2009 and 2011 that made two forms of</p> <p>19 nonphoto ID no longer an acceptable option?</p> <p>20 MR. SWEETEN: Don't reveal matters of</p> <p>21 privilege. You can refer to matters of the public</p> <p>22 record but don't answer the question as stated</p> <p>23 otherwise.</p> <p>24 A. My recollection is that the Indiana law had</p> <p>25 passed constitutional muster with the Supreme Court</p>



<p style="text-align: center;">193</p> <p>1 during the interim period and there was not a</p> <p>2 requirement for alternate forms of ID. So, it had been</p> <p>3 determined that that wasn't necessary to have a</p> <p>4 constitutional bill.</p> <p>5 Q. (BY MS. RIOS) Okay. This is the Indiana bill,</p> <p>6 which has been marked as Exhibit 60.</p> <p>7 A. Okay. What's your question about it?</p> <p>8 Q. Indiana accepts any photo ID issued by Indiana or</p> <p>9 by a federal agency. Are these forms of ID included in</p> <p>10 SB14?</p> <p>11 MR. SWEETEN: Assumes facts not in evidence.</p> <p>12 If he wants to review the statute and --</p> <p>13 A. I can read it and see. I don't recall.</p> <p>14 Q. (BY MS. RIOS) Okay. Could you take a look at</p> <p>15 it?</p> <p>16 A. Sure.</p> <p>17 It says in number 4 the document was issued by</p> <p>18 the United States or by the State of Indiana. Is that</p> <p>19 what you're referring to, number 4?</p> <p>20 Q. Yes.</p> <p>21 A. That provision is not included in Senate Bill 14,</p> <p>22 to the best of my recollection.</p> <p>23 Q. Okay. In Indiana, if a voter does not have an</p> <p>24 ID, the voter can cast a provisional ballot that will be</p> <p>25 counted if the person signs an affidavit to the effect</p>	<p style="text-align: center;">195</p> <p>1 take that extra step, is that your reading from the</p> <p>2 Indiana statute?</p> <p>3 A. The way I read it is the voter would have to go</p> <p>4 before a circuit court clerk or the county election</p> <p>5 board and execute the affidavit.</p> <p>6 Q. That's subsequent to the election?</p> <p>7 A. Correct.</p> <p>8 Q. So, the SB14 option that you are referring to,</p> <p>9 which is the free ID for purposes of voting, is not the</p> <p>10 same as the Indiana procedure for casting a provisional</p> <p>11 ballot and then going to the Court to sign an affidavit?</p> <p>12 MR. SWEETEN: Based on the text?</p> <p>13 MS. RIOS: Based on the text.</p> <p>14 A. Based on the text that you've presented and, of</p> <p>15 course, I have no way of knowing if this is really the</p> <p>16 Indiana law or not. I'm taking your word for it.</p> <p>17 Q. (BY MS. RIOS) Okay. Does Indiana allow</p> <p>18 individuals to use ID that has expired at some time</p> <p>19 since the last general election? That would be on the</p> <p>20 first page at 3B.</p> <p>21 A. It says that the document included an expiration</p> <p>22 date and that the document expired after the date of the</p> <p>23 most recent general election.</p> <p>24 Q. Is this allowed under Senate Bill 14?</p> <p>25 A. No.</p>
<p style="text-align: center;">194</p> <p>1 that he is indigent and cannot procure a photo ID. You</p> <p>2 can take a look.</p> <p>3 A. And where is that?</p> <p>4 Q. That's on Page 2015.</p> <p>5 A. Okay.</p> <p>6 Q. Okay. Is that allowed under SB14?</p> <p>7 A. There are provisional voting -- there is</p> <p>8 provisional voting allowed under Senate Bill 14. It's</p> <p>9 not worded exactly like this.</p> <p>10 Q. But does that -- but does it allow an exception</p> <p>11 for when a person is indigent?</p> <p>12 A. What Senate Bill 14 contemplates is that if</p> <p>13 someone is unable to afford -- to obtain a state</p> <p>14 identification card that costs, I think, \$10, that the</p> <p>15 fee would be waived if they signed an affidavit and said</p> <p>16 that they needed the identification card for the purpose</p> <p>17 of voting.</p> <p>18 So, anyone could obtain a state ID card at no</p> <p>19 cost if they were willing to sign an affidavit that they</p> <p>20 were indigent, or they could pay the \$10 fee.</p> <p>21 Q. But that would require a person to go and get</p> <p>22 this ID that -- this free ID that you're describing; is</p> <p>23 that correct?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. But in Indiana, a voter does not have to</p>	<p style="text-align: center;">196</p> <p>1 Q. Okay. Is it fair to say that there are</p> <p>2 differences between the Indiana photo ID bill -- law and</p> <p>3 Senate Bill 14?</p> <p>4 MR. SWEETEN: Based on the text you've shown</p> <p>5 him?</p> <p>6 MS. RIOS: Based on the text.</p> <p>7 A. Yes, based on the text.</p> <p>8 Q. (BY MS. RIOS) Okay. Is it fair to say that</p> <p>9 Indiana accepts photo ID options not accepted under</p> <p>10 SB14?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. Based on the text that you've shown me.</p> <p>14 Q. Okay. And this has been marked as Exhibit 6, and</p> <p>15 this is the Georgia photo ID law.</p> <p>16 (Off the record.)</p> <p>17 Q. (BY MS. RIOS) Okay. I'm going to ask you a</p> <p>18 couple of questions about this. And this we got from</p> <p>19 LexisNexis.</p> <p>20 A. Okay.</p> <p>21 Q. Does Georgia accept photo IDs issued by any</p> <p>22 government entity, meaning federal, Georgia or any other</p> <p>23 state?</p> <p>24 A. Yes, it would appear in Section 2, the text that</p> <p>25 you've given me, that any valid identification card</p>

197

1 issued by a branch, department, agency or entity of the  
 2 State of Georgia, any other state or the United States  
 3 authorized by law to issue personal identification,  
 4 provided that the identification contains a photograph  
 5 of the elector.  
 6 Q. And are these forms of photo ID included in SB14?  
 7 A. Some are and some are not.  
 8 Q. Does SB14 accept identifications from other  
 9 states, for example?  
 10 A. I don't know without looking. I'll be glad to  
 11 look as long as we keep the meter running.  
 12 Q. No.  
 13 MS. RIOS: Off the record.  
 14 (Off the record.)  
 15 A. It would appear that Senate Bill 14 does not  
 16 allow for identification issued by other states.  
 17 Q. (BY MS. RIOS) Okay. Georgia accepts valid photo  
 18 tribal identification cards. Are these forms of photo  
 19 ID included in SB14?  
 20 A. I don't know what that is.  
 21 Q. Tribal identification cards.  
 22 A. It's not specifically identified in Senate Bill  
 23 14.  
 24 Q. Okay. Does Georgia accept valid photo employee  
 25 cards issued by state or federal agencies?

198

1 A. Yes.  
 2 Q. Okay. And are these forms of photo ID included  
 3 in SB14?  
 4 A. No.  
 5 Q. Okay. Is it fair to say that there are  
 6 differences between SB14 and the Georgia photo ID  
 7 statute in terms of the acceptable forms of ID?  
 8 A. As it's presented here, it would appear there are  
 9 differences.  
 10 Q. And is it fair to say that Georgia accepts more  
 11 types of photo ID than those listed in SB14?  
 12 A. It would appear so based on the text that's in  
 13 front of me.  
 14 Q. Okay. Are you aware of the purpose of removing  
 15 from SB14 the option for a voter to show a state or  
 16 federal issued photo ID?  
 17 MR. SWEETEN: Don't answer the question as  
 18 phrased. It calls for matters of legislative privilege.  
 19 I instruct not to answer on that basis except to the  
 20 extent that you can refer to matters of the public  
 21 record.  
 22 A. On the advice of counsel, I don't believe I can  
 23 answer your question.  
 24 Q. (BY MS. RIOS) Okay. You mentioned the election  
 25 identification certificate when you were talking about

199

1 photo ID forms acceptable under SB14. Did any  
 2 legislator express concern that an election  
 3 identification certificate would be difficult for some  
 4 of their constituents to obtain?  
 5 MR. SWEETEN: You can refer to matters in  
 6 the public record. Don't reveal those that are  
 7 privileged communications.  
 8 A. I think it's a matter of public record that there  
 9 were objections.  
 10 Q. (BY MS. RIOS) Okay. Did you have any private  
 11 conversations about the election identification  
 12 certificate?  
 13 MR. SWEETEN: You can answer the question as  
 14 phrased.  
 15 A. I may have. I don't recall specifically but I  
 16 may have.  
 17 Q. (BY MS. RIOS) Did you have any private  
 18 conversations about the election identification  
 19 certificate with Senators of the Democratic party?  
 20 A. I may have.  
 21 Q. Do you --  
 22 A. I don't recall specifically.  
 23 Q. Okay. Do you know the number of voters who  
 24 reside in counties that do not have a driver's license  
 25 office?

200

1 A. I don't know. I know there are voters who reside  
 2 in counties who don't have a driver's license office but  
 3 I can't tell you how many there are, if that's what  
 4 you're asking.  
 5 Q. Do you know how many counties don't have a  
 6 driver's license office?  
 7 MR. SWEETEN: And you're asking as he's  
 8 sitting here?  
 9 MS. RIOS: Right.  
 10 A. No.  
 11 Q. (BY MS. RIOS) And do you know the number of  
 12 voters residing in counties with limited driver's  
 13 license office hours, some are open one day a week, a  
 14 couple of days a week?  
 15 A. As we're sitting here, I can't give you that  
 16 number.  
 17 Q. Okay. Did you or your staff conduct an analysis  
 18 on the cost or steps a voter would need to take to  
 19 obtain an election identification certificate?  
 20 MR. SWEETEN: Objection to the question. It  
 21 calls for matters that are subject to the legislative  
 22 privilege. You can refer to matters of the public  
 23 record. Otherwise, I would instruct you not to answer  
 24 the question.  
 25 A. There's nothing that I can add beyond the public



<p style="text-align: center;">201</p> <p>1 record.</p> <p>2 Q. (BY MS. RIOS) Okay. And what documents are</p> <p>3 needed to obtain an election identification certificate</p> <p>4 under SB14?</p> <p>5 A. I believe that it would be the same documents</p> <p>6 that are required to get a Texas driver's license. The</p> <p>7 requirements to receive an election identification</p> <p>8 certificate, it would appear to me that they are the</p> <p>9 same as the requirements to get a state ID card. There</p> <p>10 are a number of things that would be acceptable but they</p> <p>11 would include a certified birth certificate and some</p> <p>12 other form of identification.</p> <p>13 Q. Okay. And how much does it cost to acquire a</p> <p>14 certified birth certificate?</p> <p>15 A. It would depend on what county you're in.</p> <p>16 Q. And would it be possible to obtain an election</p> <p>17 identification certificate without having to pay for the</p> <p>18 certified birth certificate?</p> <p>19 A. I think you have to have the birth certificate.</p> <p>20 Q. Okay. If the documents needed to get the</p> <p>21 election identification certificate are not free, isn't</p> <p>22 there a cost to voting for those who lack the necessary</p> <p>23 documents?</p> <p>24 MR. SWEETEN: Can you read the question</p> <p>25 back, please?</p>	<p style="text-align: center;">203</p> <p>1 Texas live at least 50 miles from the nearest driver's</p> <p>2 license office?</p> <p>3 A. I'm sure some do. Maybe more than that.</p> <p>4 Q. And how much would gas cost at a minimum to drive</p> <p>5 a 100-mile round trip to get the election identification</p> <p>6 certificate?</p> <p>7 A. I have no idea. It would depend on what kind of</p> <p>8 car you were driving or whether you were on a motorcycle</p> <p>9 or riding a bicycle or what it might be.</p> <p>10 Q. So, those would be additional costs that voters</p> <p>11 would have to make in order to get the free election</p> <p>12 identification certificate?</p> <p>13 MR. SWEETEN: Objection. Argumentative.</p> <p>14 You can answer.</p> <p>15 A. It may or may not be an additional cost that they</p> <p>16 would have to bear.</p> <p>17 Q. (BY MS. RIOS) Senator Davis proposed Amendment</p> <p>18 12, which provided that the underlying document needed</p> <p>19 to obtain an election identification certificate, that</p> <p>20 is, the birth certificate, would be free for indigent</p> <p>21 voters. Did you oppose this amendment?</p> <p>22 MR. SWEETEN: You can refer to matters of</p> <p>23 the public record. Don't reveal matters that are</p> <p>24 subject to legislative privilege.</p> <p>25 A. You'd have to look at the record. My</p>
<p style="text-align: center;">202</p> <p>1 (Whereupon, the requested testimony was read back</p> <p>2 as follows:</p> <p>3 QUESTION: Okay. If the documents needed to get</p> <p>4 the election identification certificate are not</p> <p>5 free, isn't there a cost to voting for those who</p> <p>6 lack the necessary documents?)</p> <p>7 A. And my response would be that yes, there is a</p> <p>8 cost but I don't believe that that cost is an</p> <p>9 unreasonable burden based on --</p> <p>10 MR. SWEETEN: Just answer the question.</p> <p>11 A. -- the testimony that was taken during the debate</p> <p>12 on this.</p> <p>13 Q. (BY MS. RIOS) Does SB14 require employers to</p> <p>14 provide paid leave so that employees may obtain an</p> <p>15 election identification certificate?</p> <p>16 A. Not to my recollection. I can look at it and see</p> <p>17 but I don't recall that it did that.</p> <p>18 MS. RIOS: Off the record.</p> <p>19 (Off the record.)</p> <p>20 A. I don't see where it does.</p> <p>21 Q. (BY MS. RIOS) Okay. And do you know whether</p> <p>22 some people in Texas live at least 50 miles from the</p> <p>23 nearest driver's license office?</p> <p>24 A. What is your question?</p> <p>25 Q. My question is do you know whether some people in</p>	<p style="text-align: center;">204</p> <p>1 recollection is that I opposed that amendment.</p> <p>2 Q. (BY MS. RIOS) Okay. Senator Ellis proposed</p> <p>3 Amendment 19 to add student IDs to the list of</p> <p>4 acceptable photo IDs, and this would be limited to</p> <p>5 student IDs issued by Texas public universities. Did</p> <p>6 you oppose this amendment?</p> <p>7 MR. SWEETEN: You can refer to matters of</p> <p>8 the public record. Don't reveal matters of legislative</p> <p>9 privilege.</p> <p>10 A. My recollection is that I voted against that</p> <p>11 amendment.</p> <p>12 Q. (BY MS. RIOS) Do you recall why you opposed this</p> <p>13 amendment?</p> <p>14 MR. SWEETEN: Don't reveal matters -- your</p> <p>15 thoughts, opinions, mental impressions about the</p> <p>16 legislation. You can refer to matters of the public</p> <p>17 record.</p> <p>18 A. Only to the extent that I discussed it on the</p> <p>19 floor of the Senate.</p> <p>20 Q. (BY MS. RIOS) Did you gather any evidence that</p> <p>21 would indicate that there's a problem with forgery with</p> <p>22 state university IDs?</p> <p>23 MR. SWEETEN: Don't answer the question. It</p> <p>24 asks for you to reveal matters that are subject to</p> <p>25 legislative privilege.</p>





<p style="text-align: center;">205</p> <p>1 To the extent you can refer to matters of</p> <p>2 the public record, you can do so.</p> <p>3 A. I don't believe I can answer the question, on the</p> <p>4 advice of counsel.</p> <p>5 Q. (BY MS. RIOS) Okay. And did you have any</p> <p>6 evidence of charges or convictions for forgery for</p> <p>7 misusing public university IDs?</p> <p>8 MR. SWEETEN: Don't reveal matters that are</p> <p>9 subject to the legislative privilege, including</p> <p>10 communications that you've had with other legislators,</p> <p>11 individuals or groups that are covered by the privilege.</p> <p>12 Don't reveal your thoughts and mental impressions. You</p> <p>13 can refer to matters of the public record.</p> <p>14 A. I don't believe I can answer the question, based</p> <p>15 on advice from my counsel.</p> <p>16 Q. (BY MS. RIOS) Okay. And are you aware that</p> <p>17 Senator Ellis based his student ID amendment on the</p> <p>18 Indiana voter ID statute?</p> <p>19 MR. SWEETEN: Objection. Don't reveal</p> <p>20 communications with Senator Ellis or his legislative</p> <p>21 staff. You can refer to matters of the public record.</p> <p>22 And objection. Calls for speculation.</p> <p>23 A. Beyond what's reflected in the Senate Journal,</p> <p>24 there's nothing -- and the record of the proceedings,</p> <p>25 there's nothing that I can add.</p>	<p style="text-align: center;">207</p> <p>1 A. There's nothing beyond the public record that I</p> <p>2 can share with you.</p> <p>3 (Off the record.)</p> <p>4 (Short recess.)</p> <p>5 EXAMINATION</p> <p>6 Q. (BY MS. ABUDU) Well, good afternoon, Senator</p> <p>7 Williams. My name is Nancy Abudu. I'm an attorney with</p> <p>8 the American Civil Liberties Union, and I'm representing</p> <p>9 several defendant-intervenors in this case, including</p> <p>10 the Texas Legislative Black Caucus, as well as African</p> <p>11 American registered voters in Texas.</p> <p>12 Obviously, you are still under oath.</p> <p>13 And because you have asserted legislative</p> <p>14 privilege with a number -- or with respect to a number</p> <p>15 of questions posed to you today, we're, of course,</p> <p>16 reserving our right to redepose you if and when the</p> <p>17 Court fully addresses that issue. Okay?</p> <p>18 MS. ABUDU: And I'll just ask if we can have</p> <p>19 a 30-minute time check before our time expires.</p> <p>20 Q. (BY MS. ABUDU) All right. Now, a number of the</p> <p>21 questions we would have posed to you today have already</p> <p>22 been asked of you by the Department of Justice. So, I'm</p> <p>23 going to try to fill in some areas within that general</p> <p>24 scope of questioning. So, I may be jumping around a bit</p> <p>25 but it's only to avoid redundancy. All right?</p>
<p style="text-align: center;">206</p> <p>1 Q. (BY MS. RIOS) Are you aware why a student ID</p> <p>2 issued by a state university would be acceptable in</p> <p>3 Indiana but not in Texas?</p> <p>4 MR. SWEETEN: Don't answer the question. It</p> <p>5 calls for matters of legislative privilege. Instruct</p> <p>6 not to answer.</p> <p>7 A. I cannot answer your question, based on the</p> <p>8 advice of counsel.</p> <p>9 Q. (BY MS. RIOS) During the floor debate on Senate</p> <p>10 Bill 14, did anyone raise concerns about its impact on</p> <p>11 minority voters?</p> <p>12 MR. SWEETEN: You can answer the question as</p> <p>13 phrased.</p> <p>14 A. Yes.</p> <p>15 Q. (BY MS. RIOS) Who did?</p> <p>16 A. Several Senators did. I don't recall</p> <p>17 specifically which ones. I think every Democratic</p> <p>18 Senator stood up and voiced some objection to the bill.</p> <p>19 Q. What was your -- your response to the</p> <p>20 legislators' concerns about the bill's impact on</p> <p>21 minority voters other than what is on the record?</p> <p>22 MR. SWEETEN: Objection. Calls for matters</p> <p>23 of legislative privilege. Don't reveal communications</p> <p>24 you've had. Don't reveal your thoughts and mental</p> <p>25 impressions about the legislation.</p>	<p style="text-align: center;">208</p> <p>1 A. Okay. I appreciate that.</p> <p>2 Q. Could you go ahead and state your race for the</p> <p>3 record?</p> <p>4 A. I'm Anglo.</p> <p>5 Q. So, that means that you are white?</p> <p>6 A. Yes.</p> <p>7 Q. And that means that you do not have any Hispanic</p> <p>8 heritage, correct?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. And as a Senator for the State of Texas, do you</p> <p>11 consider yourself to be an employee of the State of</p> <p>12 Texas?</p> <p>13 A. I do not.</p> <p>14 Q. Okay. Are you employed anywhere?</p> <p>15 A. I am.</p> <p>16 Q. And what do you do for a living?</p> <p>17 A. I'm the president of Woodforest Financial</p> <p>18 Services.</p> <p>19 Q. Okay. And what does Woodforest Financial</p> <p>20 Services do?</p> <p>21 A. We provide investment advice and products and</p> <p>22 services to individuals and businesses and employee</p> <p>23 benefits to businesses.</p> <p>24 Q. And as president of that company, are you the</p> <p>25 owner of the company?</p>



<p style="text-align: center;">209</p> <p>1 A. No.</p> <p>2 Q. And who is the owner of that company?</p> <p>3 A. It's owned -- it's a wholly-owned subsidiary of</p> <p>4 the Woodforest Financial Group.</p> <p>5 Q. And how many employees does that company employ?</p> <p>6 A. Which company?</p> <p>7 Q. The Woodforest -- your employer.</p> <p>8 A. I'm an employee of Woodforest Financial Services,</p> <p>9 and I don't know exactly how many people I have working</p> <p>10 now. I want to say 12 or 15.</p> <p>11 Q. And of those 12 or 15 employees, are any of them</p> <p>12 members of racial minorities?</p> <p>13 A. Not at the present time.</p> <p>14 Q. So, all of those 12 to 15 employees are all</p> <p>15 Anglo?</p> <p>16 A. Yes, of Woodforest Financial Services, yes.</p> <p>17 Q. And how long have you been with Woodforest</p> <p>18 Financial Services?</p> <p>19 A. The company was created in 2000 when I sold my</p> <p>20 business to the Woodforest Financial Group.</p> <p>21 Q. Okay.</p> <p>22 A. So, since 2000.</p> <p>23 Q. All right. And since 2000, have you -- has</p> <p>24 Woodforest Financial Services ever had any minority</p> <p>25 employees?</p>	<p style="text-align: center;">211</p> <p>1 self-identified as a conservative Republican, correct?</p> <p>2 A. I did. I am.</p> <p>3 Q. So, are there other categories of Republicans</p> <p>4 that you consider to exist?</p> <p>5 A. I would say that I am a fiscal and social</p> <p>6 conservative. I believe that's what I said, and I think</p> <p>7 that's how I would identify myself. I would leave it up</p> <p>8 to others to identify themselves however they like</p> <p>9 but --</p> <p>10 Q. Okay. Have you ever heard the term "moderate</p> <p>11 Republican"?</p> <p>12 A. I have.</p> <p>13 Q. What is your understanding of what a moderate</p> <p>14 Republican is?</p> <p>15 A. I think the general definition would be that it</p> <p>16 would be someone who is more -- more towards the left of</p> <p>17 the rest of the Republican party, someone more center or</p> <p>18 left of the Republican party.</p> <p>19 Many people call me a moderate. That's -- as a</p> <p>20 matter of fact, I just went through an election, and I</p> <p>21 was called a socialist. So, I think it really just</p> <p>22 depends on where you're sitting. I think you wouldn't</p> <p>23 think that was true but somebody did.</p> <p>24 Q. And do you know -- was it a Republican who called</p> <p>25 you a socialist?</p>
<p style="text-align: center;">210</p> <p>1 A. Yes.</p> <p>2 Q. And over that span of time, how many would you</p> <p>3 say the company has employed?</p> <p>4 A. Racial minorities, we have had one or two.</p> <p>5 Q. Okay. And those -- so, one or two, you don't</p> <p>6 know if it's one or two?</p> <p>7 A. I know of one, and there could have been another,</p> <p>8 yeah.</p> <p>9 Q. Okay. The one that you know of for sure, what</p> <p>10 was that employee's job title?</p> <p>11 A. She was a sales assistant.</p> <p>12 Q. Okay. And does that mean that she was -- had any</p> <p>13 managerial responsibilities?</p> <p>14 A. She did not.</p> <p>15 Q. Okay. So, to your recollection, Woodforest</p> <p>16 Financial Services has never had a minority employee in</p> <p>17 a managerial position?</p> <p>18 A. No.</p> <p>19 Q. Okay. Now, you are a member of the Republican</p> <p>20 party, correct?</p> <p>21 A. I am.</p> <p>22 Q. Have you ever been a member of any other</p> <p>23 political party?</p> <p>24 A. No.</p> <p>25 Q. And earlier, I believe you testified that -- you</p>	<p style="text-align: center;">212</p> <p>1 A. It was someone who was voting in the</p> <p>2 Republican -- it was an African American Republican who</p> <p>3 probably votes in the Republican primary.</p> <p>4 Q. Okay. Now, would you say that you're generally</p> <p>5 familiar with the racial composition of the Republican</p> <p>6 party here in Texas?</p> <p>7 A. Yes.</p> <p>8 Q. Could you provide me with a racial breakdown of</p> <p>9 the Republican party here in Texas?</p> <p>10 A. No, I don't know specific numbers. And I think</p> <p>11 it's pretty loosely defined whether you're a Republican</p> <p>12 or Democratic. Anyone can say it. It's not like you</p> <p>13 have to have a card or anything.</p> <p>14 Q. When you all have primaries here, are they closed</p> <p>15 primaries, meaning only people who identify as</p> <p>16 Republicans can vote in a Republican primary?</p> <p>17 A. No. That's not true in Texas.</p> <p>18 Q. Okay. So, anyone can vote in a Republican</p> <p>19 primary?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. So, that means even a Democratic or</p> <p>22 someone who identifies as a Democratic can vote in a</p> <p>23 Republican primary?</p> <p>24 A. That's correct.</p> <p>25 Q. Okay. Now, in terms of the racial composition of</p>



213

1 the Republican party, would you -- would it surprise you  
2 if I told you that 90 percent of the Republican party is  
3 made up of African Americans in Texas?

4 A. I would be surprised.

5 Q. Okay. Now, if I told you that 90 percent of  
6 those in the Republican party in Texas are Anglos, would  
7 that surprise you?

8 A. I would be surprised by that.

9 Q. Okay. So, then do you have a general sense of  
10 what the --

11 A. Something less than 90 percent.

12 Q. Okay. Something less -- 80 percent would you say  
13 are white?

14 A. You know, I don't know.

15 Q. Would you be able to say at least more than  
16 50 percent of the Republican party is Anglo in Texas?

17 A. Probably so.

18 Q. Okay. Now, are you aware of any efforts made by  
19 the Republican party in Texas to increase the number of  
20 racial minorities who are members of the party?

21 A. Yes.

22 Q. And what have those actions been, to your  
23 knowledge?

24 A. Well, there are people who are involved in  
25 outreach, and we have a very active group of Hispanic

214

1 citizens that are active in my county party, and we have  
2 a number of people who are African Americans that also  
3 are involved in outreach who are involved in the state  
4 party. In my county specifically, there are a lot of  
5 Hispanic members.

6 Q. Can you tell me a little bit more about what you  
7 mean when you say "outreach"?

8 A. I think the outreach is to reach out to people  
9 who are members of ethnic minority groups and share with  
10 them what the values of the Republican party are and see  
11 if they share those values and try to persuade them that  
12 they should be a part of the Republican party.

13 Q. Can you be a little bit more specific in terms of  
14 the form of that outreach?

15 A. I cannot.

16 Q. Are you aware of any town hall meetings held by  
17 the members of the Republican party to engage in this  
18 kind of outreach?

19 A. I know that there are people involved in the  
20 outreach. I am not. And so, I don't -- I can't tell  
21 you what they are doing.

22 Q. And why are you not involved in any outreach on  
23 behalf of the Republican party to minority communities?

24 A. I'm very busy being the State Senator and trying  
25 to run my business, and I don't have time to be involved

215

1 in any other activities.

2 Q. Do you think that it's important to engage in  
3 such outreach?

4 A. I think it is, yes, and I've been supportive of  
5 it.

6 Q. And how have you been supportive of it?

7 A. I support the party financially, and I  
8 specifically speak favorably about those outreach  
9 programs and encourage people to participate in them.  
10 I go and speak to the Hispanic Chamber of Commerce and  
11 the Hispanic Republicans and talk to them and  
12 participate in their events.

13 Q. And what kinds of things do you talk to them  
14 about?

15 A. What I'm doing as their State Senator.

16 Q. Could you be more specific?

17 A. I might give them a legislative update and talk  
18 to them about what we're working on and what we see as  
19 the problems that are facing the state.

20 Q. And what do you see as the problems facing the  
21 state that you've expressed to these individuals during  
22 your own actions in terms of this general outreach?

23 A. Well, I would talk about the kinds of things that  
24 I've worked on, including the budget and voter ID and  
25 the social issues that I've worked on, those sorts of

216

1 things.

2 Q. And what kind of social issues have you been  
3 working on?

4 A. I've worked on the Health and Human Services  
5 budget, and I've done quite a bit of work on -- in fact,  
6 I was a conferee on that part of the budget in the '09  
7 session.

8 And I've also worked on conservative social  
9 issues regarding pro-life versus pro-choice. I'm a  
10 pro-life person. And so, I share that talk with people.

11 Q. Are you or have you done any work with respect to  
12 social issues that you consider impact minorities more  
13 than Anglos?

14 A. No.

15 Q. So, the social issues that you have been involved  
16 with, none of those issues have a particular concern  
17 when it comes to minority communities; is that correct?

18 A. I talk to those groups like I talk to a general  
19 audience. I'm not trying to shade anything one way or  
20 the other. So, I just tell them what I'm involved in  
21 and, you know, see if they identify with that.

22 Q. Do you believe that there are certain social  
23 issues that do affect minorities more than they affect  
24 Anglos?

25 A. I don't know.



<p style="text-align: center;">217</p> <p>1 Q. You've never done any research to find out</p> <p>2 whether there are social issues that have a greater</p> <p>3 impact on minority communities?</p> <p>4 A. No.</p> <p>5 Q. Are you aware of whether unemployment rates in</p> <p>6 Texas disparately impact minority communities?</p> <p>7 A. I'm not aware.</p> <p>8 Q. Are you aware of whether education policies</p> <p>9 disparately impact minority communities?</p> <p>10 A. I'm not aware.</p> <p>11 Q. Are you aware of whether healthcare issues</p> <p>12 disparately impact minority communities?</p> <p>13 A. I'm not aware. I think that all of the things</p> <p>14 that you've talked about affect people no matter what</p> <p>15 color their skin is.</p> <p>16 Q. But do you also acknowledge that some of those</p> <p>17 social issues, such as healthcare, education,</p> <p>18 employment, have a greater impact on racial minorities?</p> <p>19 A. I think it would be presumptuous of me to say</p> <p>20 that. I listen very carefully to what my colleagues in</p> <p>21 the legislature have to say who represent those people,</p> <p>22 and I try very hard to be sensitive to what those issues</p> <p>23 are.</p> <p>24 Q. And what efforts do you take in order to be</p> <p>25 sensitive to those issues?</p>	<p style="text-align: center;">219</p> <p>1 represent a portion of Montgomery County but it's a much</p> <p>2 larger portion of Montgomery County.</p> <p>3 And so, the counties that I used to -- it's</p> <p>4 easier to say what I don't have. I had Orange and</p> <p>5 Liberty County in my old district. I don't have them</p> <p>6 now. And I have all of Jefferson County and all of</p> <p>7 Chambers County and I have a very small portion of</p> <p>8 Galveston County.</p> <p>9 Q. Okay. Now, as a Senator from -- now, all of this</p> <p>10 is Senate District 4, correct?</p> <p>11 A. Correct.</p> <p>12 Q. Now, as a Senator from District 4, do you think</p> <p>13 that it's important for you to know the demographics of</p> <p>14 your district?</p> <p>15 A. Sure, it is but it's not the most important thing</p> <p>16 for me to know.</p> <p>17 Q. Okay. What is the racial demographic of your</p> <p>18 district then?</p> <p>19 A. I can't tell you without looking at the reports.</p> <p>20 Q. Well, would you be surprised if -- let's see.</p> <p>21 If -- okay. So, for example, you said you have part of</p> <p>22 Chambers County; is that correct?</p> <p>23 A. Uh-huh.</p> <p>24 Q. And does that include the City of Galveston?</p> <p>25 A. No.</p>
<p style="text-align: center;">218</p> <p>1 A. Well, just try to understand what they're</p> <p>2 concerned about and why they're concerned about it, and</p> <p>3 if there's a way that I can help them advance their</p> <p>4 issue, I will try to do that.</p> <p>5 Q. So, does that mean that if you find out that a</p> <p>6 certain social issue does have a negative disparate</p> <p>7 impact on the minority community that you will make an</p> <p>8 effort to work on that issue?</p> <p>9 A. I will listen to people who represent those</p> <p>10 communities, and if I can help them, I will. I try very</p> <p>11 hard to make sure that I'm sensitive to what their</p> <p>12 concerns are.</p> <p>13 Q. Do you view yourself as someone who represents</p> <p>14 minority communities?</p> <p>15 A. I have minority communities in my district.</p> <p>16 Q. In fact, I'd like to talk a little bit more about</p> <p>17 your district. Earlier you discussed the composition in</p> <p>18 terms of counties and cities of your district before</p> <p>19 redistricting, and so, I just want to find out what</p> <p>20 counties are in your district now after redistricting.</p> <p>21 Can you break that down?</p> <p>22 A. Sure. I have all of Chambers County, all of</p> <p>23 Jefferson County, I have a portion of Harris County, and</p> <p>24 that's changed slightly but it's roughly the same areas</p> <p>25 that I had before in Harris County, and I still</p>	<p style="text-align: center;">220</p> <p>1 Q. So, that is not -- that was never part of your</p> <p>2 district or that's not part of -- was that ever part of</p> <p>3 your district?</p> <p>4 A. I don't have any of the City of Galveston now. I</p> <p>5 have a portion of Galveston County.</p> <p>6 Q. Okay. And you said that you -- Jefferson County</p> <p>7 is part of your district after redistricting, correct?</p> <p>8 A. All of it is. I had a portion of it before.</p> <p>9 Q. And the City of Beaumont is part of that county,</p> <p>10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. And you represent Beaumont as well?</p> <p>13 A. I do.</p> <p>14 Q. Okay. Do you know what the racial demographics</p> <p>15 are of Beaumont?</p> <p>16 A. I know that Beaumont has a large African American</p> <p>17 community, and I know that Port Arthur has, in</p> <p>18 percentage terms, an even larger African American</p> <p>19 community.</p> <p>20 And just yesterday, I was with the mayor of Port</p> <p>21 Arthur, and she's an African American woman and a friend</p> <p>22 of mine.</p> <p>23 Q. And can you share with us was -- well, was that</p> <p>24 an official meeting that you had with the mayor?</p> <p>25 A. We were at the same event yesterday, and so, we</p>



<p style="text-align: center;">221</p> <p>1 were both there in our official capacity.</p> <p>2 Q. And did you all have discussions about official</p> <p>3 business involving the City of Beaumont?</p> <p>4 A. It was the City of -- the mayor of the City of</p> <p>5 Port Arthur.</p> <p>6 Q. I'm sorry. Of Port Arthur.</p> <p>7 A. I told her that I was anxious to get down and</p> <p>8 visit with her now that Port Arthur was a part of my</p> <p>9 district and I had the primary behind me, that I would</p> <p>10 be calling her to come down and visit.</p> <p>11 Q. Okay.</p> <p>12 A. I knew her before. I had worked with her before.</p> <p>13 Q. Okay. And you said that Port Arthur also has a</p> <p>14 significant minority population; is that correct?</p> <p>15 A. It has a large African American population.</p> <p>16 Q. So, would you agree that there may be issues --</p> <p>17 social issues that affect the African American community</p> <p>18 in Port Arthur based on their race?</p> <p>19 A. There may be.</p> <p>20 Q. Do you plan to do any investigation into that?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And how will you conduct that</p> <p>23 investigation?</p> <p>24 A. Well, I'm going to start by visiting with the</p> <p>25 mayor.</p>	<p style="text-align: center;">223</p> <p>1 minority of the Texas Legislature?</p> <p>2 MR. SWEETEN: Objection. Calls for</p> <p>3 speculation. Objection. Vague.</p> <p>4 You can answer to the extent you can.</p> <p>5 A. I don't have any idea what the future may hold.</p> <p>6 Q. (BY MS. ABUDU) Okay. All right. Now, you said</p> <p>7 that -- are you up for reelection this November?</p> <p>8 A. I am.</p> <p>9 Q. Okay. And you were -- so, the last election that</p> <p>10 you ran in was in 2008?</p> <p>11 A. Correct.</p> <p>12 Q. Did you have any opposition in that election?</p> <p>13 A. I did. I had a primary opponent.</p> <p>14 Q. Okay. So, a Republican opponent?</p> <p>15 A. Correct.</p> <p>16 Q. And in the general election, did you have any</p> <p>17 opposition?</p> <p>18 A. Not in 2008.</p> <p>19 Q. And do you know why that is?</p> <p>20 MR. SWEETEN: Objection. Calls for</p> <p>21 speculation.</p> <p>22 A. No. People are happy with the job I'm doing.</p> <p>23 Q. (BY MS. ABUDU) All people in your district? Did</p> <p>24 all of the registered voters in your district come out</p> <p>25 to vote in the 2008 election?</p>
<p style="text-align: center;">222</p> <p>1 Q. Okay. Now, do you know what the racial</p> <p>2 demographics are now, post the 2010 census, of Texas as</p> <p>3 a whole?</p> <p>4 A. I know that it is -- I believe I know that Texas</p> <p>5 is a minority majority state, that Anglos are in the</p> <p>6 minority in our state.</p> <p>7 Q. And would you generally agree that historically</p> <p>8 African Americans in Texas have elected African American</p> <p>9 officials to office?</p> <p>10 A. I know that's often true but I know it's also not</p> <p>11 always true.</p> <p>12 Q. And would you agree that generally Hispanic</p> <p>13 voters in Texas have elected Hispanic officials to</p> <p>14 office?</p> <p>15 A. That's not always true.</p> <p>16 Q. But it has been true, that Hispanic voters elect</p> <p>17 Hispanic officials, correct?</p> <p>18 A. They do sometimes.</p> <p>19 Q. Okay. And so, now in Texas, based on the racial</p> <p>20 demographics, Anglos are the minority, correct?</p> <p>21 A. Yes, I believe that's correct.</p> <p>22 Q. And if we were just, for argument sake, to say</p> <p>23 that minorities tend to elect minorities to office, if</p> <p>24 Anglos are the minority racial group now, then would you</p> <p>25 agree that means it's very likely that Anglos will be a</p>	<p style="text-align: center;">224</p> <p>1 A. Of course not.</p> <p>2 Q. Okay. So, that means that it's possible there</p> <p>3 are constituents in your district who may not be happy</p> <p>4 with the job you're doing?</p> <p>5 A. It's possible.</p> <p>6 Q. Okay.</p> <p>7 A. I hear from a lot of them that aren't.</p> <p>8 Q. And so, you say that you are up for reelection</p> <p>9 this November. Do you have opposition?</p> <p>10 A. I do.</p> <p>11 Q. And who is that?</p> <p>12 A. Well, he's not officially nominated yet. I</p> <p>13 understand there's a Libertarian candidate that will be</p> <p>14 running against me but they don't have a primary system.</p> <p>15 So, they haven't officially nominated him yet. They</p> <p>16 nominate in the convention, in their convention.</p> <p>17 Q. And do you have a Democratic opponent?</p> <p>18 A. Not this time.</p> <p>19 Q. And the Libertarian opponent, do you know the</p> <p>20 person's race?</p> <p>21 A. I do not.</p> <p>22 Q. Now, how -- as a legislator, as a Senator, how</p> <p>23 many people are on your staff?</p> <p>24 A. I don't know. Let me think about this. I have</p> <p>25 to write it down. Can I have a piece of scrap paper to</p>





<p style="text-align: center;">225</p> <p>1 write? I can't -- I have to think about this.</p> <p>2 MS. ABUDU: Let's go off the record then.</p> <p>3 (Off the record.)</p> <p>4 A. 13, counting some people who are not full-time.</p> <p>5 Q. (BY MS. ABUDU) Okay. And are any of those 13</p> <p>6 individuals members of racial minorities?</p> <p>7 A. Yes.</p> <p>8 Q. How many of them are?</p> <p>9 A. One.</p> <p>10 Q. And who is that person?</p> <p>11 A. Tulsi Overbeck.</p> <p>12 Q. And what is that person's job title?</p> <p>13 A. She is the Committee Clerk for the Transportation</p> <p>14 and Homeland Security Committee.</p> <p>15 Q. And does she have any managerial</p> <p>16 responsibilities?</p> <p>17 A. She does.</p> <p>18 Q. And what are those responsibilities?</p> <p>19 A. She runs the committee. So, she has oversight --</p> <p>20 when we're in session, she has oversight of the clerks</p> <p>21 that work for the committee. There are no clerks during</p> <p>22 the interim but she oversees them.</p> <p>23 Q. And how long has she worked for you?</p> <p>24 A. She started last session.</p> <p>25 Q. Okay. And do you interview all applicants for</p>	<p style="text-align: center;">227</p> <p>1 Q. And when was that?</p> <p>2 A. Last session.</p> <p>3 Q. And what was that person's job responsibility --</p> <p>4 or job title? Let's start there.</p> <p>5 A. I don't recall. She was there for such -- I</p> <p>6 think she was the Homeland Security Analyst, I believe,</p> <p>7 but I'm not sure exactly what her title was.</p> <p>8 Q. And what was her name?</p> <p>9 A. I can't remember. She worked for me for a very</p> <p>10 short period of time. She got an offer from the</p> <p>11 Governor's office and left me. So, she only worked for</p> <p>12 me for -- I don't even think it was one complete pay</p> <p>13 period.</p> <p>14 Q. Now, do you make any effort to recruit racial</p> <p>15 minorities to work in your office?</p> <p>16 A. I have told my Chief of Staff that I would like</p> <p>17 for my staff to reflect the makeup of my district but</p> <p>18 that we have to hire qualified people, and to make every</p> <p>19 effort to make sure that we -- where we have minority</p> <p>20 candidates who are qualified, to be sure and get them in</p> <p>21 for an interview.</p> <p>22 Q. And would you agree that that policy is an</p> <p>23 affirmative action policy?</p> <p>24 A. No.</p> <p>25 Q. And why is that?</p>
<p style="text-align: center;">226</p> <p>1 positions in your office?</p> <p>2 A. I do not. My Chief of Staff does, and then I</p> <p>3 interview the ones that she selects as qualified</p> <p>4 candidates.</p> <p>5 Q. And please repeat this person's name for me</p> <p>6 again.</p> <p>7 A. Janet Stieben.</p> <p>8 Q. Not the Chief of Staff, the minority --</p> <p>9 A. Oh, Tulsi Overbeck.</p> <p>10 Q. So, did you interview her before she got the</p> <p>11 position?</p> <p>12 A. I did.</p> <p>13 Q. Okay. And have you interviewed any other</p> <p>14 minority candidates for positions in your office?</p> <p>15 A. I have.</p> <p>16 Q. And other than the person you just mentioned,</p> <p>17 have you ever -- have you offered -- have you made job</p> <p>18 offers to any other minorities?</p> <p>19 A. Yes.</p> <p>20 Q. And have those other individuals accepted</p> <p>21 positions?</p> <p>22 A. One did.</p> <p>23 Q. Okay. And did this person -- and this person</p> <p>24 ended up working for you?</p> <p>25 A. For a short period of time.</p>	<p style="text-align: center;">228</p> <p>1 A. I just -- I don't think that it is. I mean --</p> <p>2 Q. Well, what is your understanding of affirmative</p> <p>3 action?</p> <p>4 A. I don't know. What I would say is I want to</p> <p>5 encourage minorities to be a part of my staff and a part</p> <p>6 of the whole political process, and I don't view them as</p> <p>7 minorities. I view them as other people but I want to</p> <p>8 make sure that we're inclusive.</p> <p>9 I think probably the best example that I can give</p> <p>10 you of that is I brought the Pilots Commission from the</p> <p>11 Sabine Neches Waterway in and scolded them that they</p> <p>12 needed to recruit more African American pilots because</p> <p>13 they weren't reflecting the makeup of the district.</p> <p>14 So, I think they took that to heart. They did</p> <p>15 some interviews but I don't think they were successful</p> <p>16 in hiring anybody but they know how I feel about it.</p> <p>17 That's an appointed position that's confirmed by the</p> <p>18 Senate, so --</p> <p>19 Q. Do you know why they were unsuccessful?</p> <p>20 A. There's not very -- there aren't very many</p> <p>21 African American ship pilots. These are, you know, big</p> <p>22 boats, ships.</p> <p>23 Q. And would you say that your Republican colleagues</p> <p>24 in the legislature share your position in terms of the</p> <p>25 racial composition of legislative staff?</p>



229

1 MR. SWEETEN: Objection. Calls for  
2 speculation. Objection. Vague.  
3 A. I have no way of knowing that.  
4 Q. (BY MS. ABUDU) Okay. Do you talk to your  
5 legislative colleagues about the racial makeup of  
6 legislative staff?  
7 A. No.  
8 Q. Okay. And why is that?  
9 A. I mean, I -- why would I?  
10 Q. Well, you testified that you have spoken with  
11 your own staff about the importance of your -- of it  
12 reflecting the demographics in the state. So, would you  
13 agree that that's something that's important to you?  
14 And do you talk to your legislative colleagues about  
15 issues in general that are important to you?  
16 A. I'm not going to -- I don't want to speak to  
17 my -- I don't ever really discuss my hiring practices or  
18 staffing policies with other members of the Senate.  
19 Typically, that would be a very unusual conversation for  
20 me to have.  
21 Q. Do you employ students on your staff?  
22 A. Occasionally, we have interns.  
23 Q. Okay. And do you interview those interns before  
24 they are hired?  
25 A. No.

230

1 Q. And do you have any student interns working for  
2 you right now?  
3 A. No.  
4 Q. When usually do you have student interns working  
5 for you?  
6 A. During the session.  
7 Q. So, this legislative session, you did have  
8 student interns working for you?  
9 A. I don't recall that I did.  
10 Q. Well, let's say -- so, we're going to call this,  
11 what, the 2012 session, right?  
12 A. No. It was the 2011 session.  
13 Q. The 2011 session, you do not recall having any  
14 student interns?  
15 A. I don't think I did.  
16 Q. During the 2010 session, did you have any student  
17 interns?  
18 A. There wasn't a session in 2010. We have sessions  
19 in the odd numbered years.  
20 Q. In 2009, did you have student interns?  
21 A. You know, I don't remember.  
22 Q. In 2007, did you have student interns?  
23 A. I know I've had them since I've been in the  
24 Senate, and I know I had a few when I was in the House  
25 but I can't tell you when it was, and mostly I can't

231

1 even tell you their names any more. I mean, they worked  
2 there for a short period of time.  
3 Q. All right. Now, you testified earlier that you  
4 have worked on criminal justice policy issues, correct?  
5 A. Yes. I was Vice Chair of the Criminal Justice  
6 Committee my first session in the Senate.  
7 Q. And what were your responsibilities as Vice  
8 Chair?  
9 A. Well, I ran the committee if the Committee Chair  
10 couldn't be there, at his direction and, you know, that  
11 was really it. If he needed me to do something, that's  
12 what I was there for, to fill in for him.  
13 Q. And what was the mission of this committee?  
14 A. Well, the committee's job was to consider the  
15 legislation that was referred to the committee by the  
16 Lieutenant Governor and to make recommendations to the  
17 full Senate about which of those bills should receive  
18 consideration by the full body.  
19 Q. Okay. And what kind of issues fell under this  
20 Criminal Justice Committee?  
21 A. Well, all types of matters dealing with  
22 everything from how the prisons were run to sex offender  
23 legislation and, you know, just everything you could  
24 think of that had to do with the criminal justice  
25 system. Pretty broad jurisdiction.

232

1 Q. And did it include review of the racial  
2 demographics within the criminal justice system?  
3 MR. SWEETEN: When you're answering the  
4 question, don't reveal thoughts and opinions about  
5 specific legislation, your mental impressions, opinions,  
6 that sort of thing because that is covered by the  
7 legislative privilege. However, to the extent you can  
8 do so --  
9 A. I don't recall any specific discussions about  
10 that in the committee.  
11 Q. (BY MS. ABUDU) Are you aware that minorities are  
12 overrepresented in the criminal justice system here in  
13 Texas?  
14 MR. SWEETEN: Objection. Assumes facts not  
15 in evidence.  
16 Go ahead and answer.  
17 A. It's my impression that that's true.  
18 Q. (BY MS. ABUDU) Do you know why that is true?  
19 MR. SWEETEN: Objection. Calls for  
20 speculation.  
21 A. I do not.  
22 Q. (BY MS. ABUDU) Has it ever been brought to your  
23 attention that police officers or law enforcement in  
24 Texas have been accused of racial profiling?  
25 A. Yes.



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
www.esquiresolutions.com

233

1 Q. Have you done any work with respect to racial  
2 profiling in Texas?

3 MR. SWEETEN: When you are answering the  
4 question, don't reveal mental impressions, opinions,  
5 motivations about specific legislation.

6 You can, obviously, refer to matters of the  
7 public record but, otherwise, it would be legislative  
8 privilege.

9 Go ahead. You can answer.

10 A. I know that Senator West had a bill that was in  
11 our committee that dealt with building a database of  
12 information so that this issue could be studied  
13 empirically, and I supported him in that effort. I was  
14 one of the few Republicans who supported him.

15 Q. (BY MS. ABUDU) Okay. And why did you support  
16 him in that?

17 MR. SWEETEN: Don't reveal the whys. That  
18 asks you to reveal your thoughts, mental impressions,  
19 opinions and motivation about legislation. That would  
20 be legislatively privileged.

21 You can refer to matters of the public  
22 record, including committee hearings, statements made on  
23 the public record.

24 A. You know, Senator West put this legislation  
25 forward. He felt like it was important, and I felt like

234

1 it was important for me to support him in his efforts.

2 Q. (BY MS. ABUDU) And did you make any public  
3 statements regarding -- well, scratch that. We may come  
4 back to that.

5 Let's talk a little bit more about your  
6 colleagues in the legislature. Would you agree that  
7 there's some members of the legislature that you are  
8 closer to than others?

9 A. What do you mean by that?

10 Q. Meaning are there some legislators that you  
11 consider to be your friends even outside of the  
12 legislative session, you all spend time together?

13 A. Yeah, there are.

14 Q. Okay. Who would those people be?

15 A. Senator West would be one. He's an African  
16 American Senator from the Dallas area, and Marsha and I  
17 see them socially. We've done things together. I've  
18 had him over to my apartment for dinner and the --  
19 there's several House members that I'm close friends  
20 with, and so --

21 Q. Okay. And is Marsha your wife?

22 A. Uh-huh.

23 Q. Okay. All right. And are there any legislators  
24 who you dislike?

25 A. Not really.

235

1 Q. Not really?

2 A. No.

3 Q. So, you like everybody in the legislature?

4 A. I get along with all of my colleagues.

5 Q. Okay. And they would say -- you think they would  
6 say the same about you?

7 MR. SWEETEN: Objection. Calls for  
8 speculation.

9 A. I think you have to ask them.

10 Q. (BY MS. ABUDU) Okay. Now, do you think it's  
11 important for a Texas legislator to generally know his  
12 or her reputation around the state?

13 A. You know --

14 MR. SWEETEN: Objection to the question as  
15 vague.

16 A. It's very vague because even in my own district  
17 people hold different opinions of me. Some like me.  
18 Some don't like me. Some like me a lot. Some are very  
19 viscerally opposed to me but that's probably -- I'm less  
20 well known across the state and I would think that --  
21 but the same would hold true but probably to a lesser  
22 degree because I would not be as well known outside my  
23 Senate district.

24 Q. (BY MS. ABUDU) So, let's focus on your Senate  
25 district. What is your understanding as to why you have

236

1 constituents who are viscerally opposed to you, using  
2 your term?

3 MR. SWEETEN: Objection. Calls for  
4 speculation.

5 You can answer to the extent you can.

6 A. I would say that people who are viscerally  
7 opposed to me would be the people who might call me a  
8 socialist or a left wing rhino, things like that. So, I  
9 don't think they know me very well but there are people  
10 who feel that way.

11 Q. (BY MS. ABUDU) Okay. Would you agree that  
12 anyone who considers you to be a socialist -- well, we  
13 will scratch that.

14 Do you think that it's important to know what  
15 your reputation is amongst the minority populations in  
16 your district?

17 MR. SWEETEN: Objection. Vague. Objection.  
18 Asked and answered.

19 You can go ahead and answer to the extent  
20 you can.

21 A. Sure, I mean.

22 Q. (BY MS. ABUDU) And what is your understanding in  
23 terms of what minority populations in your district  
24 think about you?

25 A. I think I'm well regarded.



237

1 Q. Have you ever heard that African Americans in  
2 your district consider you to be racially biased against  
3 minorities?

4 MR. SWEETEN: Objection. Assumes facts not  
5 in evidence.

6 A. I've never heard that.

7 Q. (BY MS. ABUDU) I'm sorry, I couldn't hear over  
8 your attorney's objection.

9 MR. SWEETEN: Can you repeat his answer?

10 (Whereupon, the requested testimony was read back  
11 as follows:

12 ANSWER: I've never heard that.)

13 Q. (BY MS. ABUDU) Have you ever heard that Hispanic  
14 voters in your district consider you to be racially  
15 biased?

16 MR. SWEETEN: Objection. Assumes facts not  
17 in evidence. Objection. Vague.

18 You can answer to the extent you can.

19 A. No, I've never heard that.

20 Q. (BY MS. ABUDU) Do you believe that if voters in  
21 your district felt that way in terms of your racial bias  
22 that you would have heard that?

23 MR. SWEETEN: Objection. Calls for  
24 speculation. Objection. Vague.

25 A. I think I would have, yeah.

238

1 Q. (BY MS. ABUDU) Now, after the 2008 election, did  
2 you examine the election results?

3 A. Yeah.

4 Q. And what specifically within the election results  
5 did you review?

6 A. We typically take a look at -- are you saying the  
7 2008 general election or primary election? Because in  
8 '08, I was only opposed in the primary, and that's the  
9 only time I would have looked at was when I had an  
10 opponent.

11 Q. Okay. Let's say in the primary then.

12 A. We would typically go back first and look at the  
13 election results on a county by county basis, and then  
14 we might break it down and look at it on a precinct  
15 level but, as I recall, I carried every single county in  
16 my district, and there may have been a couple of  
17 precincts that I didn't but we didn't really get off in  
18 the weeds looking at it much lower than that.

19 Q. Okay.

20 A. I think I won with 60 percent of the vote.

21 Q. And did you look at the results by race?

22 A. I did not.

23 Q. And why is that?

24 A. I don't care what color they are. I mean, I --  
25 everybody -- I want to represent everybody in my

239

1 district.

2 Q. Right. But if you were aware that there was a  
3 particular reason why minorities were not voting for  
4 you, would you be interested in finding out why?

5 MR. SWEETEN: Objection. Incomplete  
6 hypothetical. Objection. Calls for speculation.  
7 Objection. Vague.

8 You can answer to the extent you can.

9 A. You know, I want everybody to vote for me.

10 Q. (BY MS. ABUDU) So, that means that if you knew  
11 that -- so, that means that you would want to  
12 investigate why minority voters might not vote for you?

13 A. I believe --

14 MR. SWEETEN: Same objection. Go ahead.

15 A. I believe that they do.

16 Q. (BY MS. ABUDU) Okay. But you just testified  
17 that you didn't look at the 2008 election results by  
18 race.

19 A. You know, I didn't, you're right but it's my  
20 belief that I have broad support in my community. When  
21 you get 60 percent of the vote, you've got a lot of  
22 people voting for you.

23 Q. Is there any other basis for that belief?

24 A. No.

25 Q. Okay. Do you understand what the term "racially

240

1 polarized voting" means?

2 A. Why don't you define it for me.

3 Q. Well, let's say racially polarized voting means  
4 that -- goes back to what I said earlier, that African  
5 Americans tend to vote for African Americans, Latinos  
6 tend to vote for Latinos and Anglos tend to vote for  
7 Anglos.

8 MR. SWEETEN: Objection. Assumes facts not  
9 in evidence.

10 A. I've heard of it.

11 Q. (BY MS. ABUDU) Okay. Would you say that is the  
12 case here in Texas?

13 A. I think in some districts, it is, and in some  
14 districts, it's not.

15 Q. And in Senate District 4, is it an issue?

16 A. I don't believe it is.

17 Q. And what is the basis for that belief?

18 A. I generally win with a lot of the vote, a high  
19 percentage of the vote. When I ran and had a Democratic  
20 opponent, I got 64 percent of the vote. I had a lot of  
21 people that voted for me.

22 Q. Let's say for the 2008 primary election then,  
23 what was the voter turnout by race?

24 A. I don't know.

25 Q. So, then you don't know if minority voters



<p style="text-align: center;">241</p> <p>1 support you?</p> <p>2 MR. SWEETEN: Objection. Argumentative.</p> <p>3 Objection. Asked and answered.</p> <p>4 Q. (BY MS. ABUDU) You can answer.</p> <p>5 A. I think I've already answered the question.</p> <p>6 Q. Well, your response is confusing. You said that</p> <p>7 you think minority voters support you but then you can't</p> <p>8 provide information about the racial turnout in the most</p> <p>9 recent election you've had.</p> <p>10 MR. SWEETEN: Objection. Argumentative.</p> <p>11 Objection. Asked and answered. Is there a question on</p> <p>12 there?</p> <p>13 MS. ABUDU: Yeah, there is.</p> <p>14 Q. (BY MS. ABUDU) Can you answer it?</p> <p>15 A. What is the question?</p> <p>16 Q. The question is what is the basis for your</p> <p>17 statement that minority voters in Senate District 4 vote</p> <p>18 for you?</p> <p>19 MR. SWEETEN: Objection. Argumentative.</p> <p>20 Objection. Asked and answered.</p> <p>21 You can answer to the extent you can.</p> <p>22 A. You know, as I said a moment ago, the last</p> <p>23 general election that I had with an opponent, I had a</p> <p>24 very large percentage of the vote. I cannot tell you</p> <p>25 what the vote was break out by race but when you get</p>	<p style="text-align: center;">243</p> <p>1 A. I don't know.</p> <p>2 Q. So, if only 20 percent of registered voters in</p> <p>3 Senate District 4 actually came out for the 2008 primary</p> <p>4 election, that's not a majority of the registered</p> <p>5 voters, correct?</p> <p>6 MR. SWEETEN: Objection. Assumes facts not</p> <p>7 in evidence. Objection. Argumentative.</p> <p>8 You can answer to the extent you can.</p> <p>9 A. You know, if you want to have a discussion about</p> <p>10 this, we should probably get the election results in</p> <p>11 front of us. It's very difficult for me to speak to</p> <p>12 this without having the actual numbers in front of me.</p> <p>13 Q. (BY MS. ABUDU) Right. And I'm asking you really</p> <p>14 because you are the Senator from that district and --</p> <p>15 MR. SWEETEN: Objection to the side bar.</p> <p>16 Q. (BY MS. ABUDU) All right. Let's turn to this</p> <p>17 issue of voter fraud that you talked about earlier.</p> <p>18 Now, is it your belief that voter -- or in-person voter</p> <p>19 fraud is a problem here in Texas?</p> <p>20 MR. SWEETEN: Don't answer the question. It</p> <p>21 would call for you to reveal thoughts, mental</p> <p>22 impressions, opinions, motivation about legislation or</p> <p>23 in furtherance of the legislative process. As such, it</p> <p>24 is legislatively privileged. Don't reveal the</p> <p>25 privileged communications that we've outlined before.</p>
<p style="text-align: center;">242</p> <p>1 64 percent of the vote, you've got a lot of people that</p> <p>2 are Democrats and Republicans, people that are Hispanic,</p> <p>3 Anglo and African American who are voting for you when</p> <p>4 you get that large percentage of the vote in a general</p> <p>5 election.</p> <p>6 Q. (BY MS. ABUDU) So, your basis or the basis for</p> <p>7 your belief that minority voters in Senate District 4</p> <p>8 support you is based on the percentage -- the election</p> <p>9 results in your favor; is that correct?</p> <p>10 MR. SWEETEN: Objection. Asked and</p> <p>11 answered.</p> <p>12 You can answer.</p> <p>13 A. Yes.</p> <p>14 Q. (BY MS. ABUDU) Okay. And that's the only</p> <p>15 basis --</p> <p>16 A. Yes.</p> <p>17 Q. -- for your belief that minority voters in Senate</p> <p>18 District 4 support you?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know what -- for the 2008 primary</p> <p>21 election, what was the percentage in terms of voter</p> <p>22 turnout?</p> <p>23 MR. SWEETEN: Objection. Vague. Do you</p> <p>24 mean in his district? Do you mean somewhere else or --</p> <p>25 Q. (BY MS. ABUDU) In Senate District 4.</p>	<p style="text-align: center;">244</p> <p>1 To the extent you can answer by referring to</p> <p>2 matters of the public record, you are free to do so.</p> <p>3 A. I think I've made it clear that I believe that</p> <p>4 in-person voter fraud, it's a matter of the public</p> <p>5 record, it's a significant problem in our state.</p> <p>6 And I've also made as a matter of public record</p> <p>7 that even a small amount of voter fraud can have a big</p> <p>8 effect on an election, and I think that is an issue that</p> <p>9 needs to be addressed in our state, and that's -- and we</p> <p>10 have addressed it partially with the legislation that we</p> <p>11 passed.</p> <p>12 Q. (BY MS. ABUDU) Assuming the --</p> <p>13 A. That's a matter of the public record.</p> <p>14 Q. Assuming that the bill that you passed is</p> <p>15 precleared, correct? It's not in effect?</p> <p>16 A. Right. I understand that.</p> <p>17 Q. Now, you testified that your brother appeared</p> <p>18 before the legislature and testified regarding your --</p> <p>19 someone voting on behalf of your deceased grandfather;</p> <p>20 is that correct?</p> <p>21 A. That's correct.</p> <p>22 MR. SWEETEN: You can testify about matters</p> <p>23 on the public record.</p> <p>24 MS. ABUDU: I'm sorry, did you just give an</p> <p>25 objection or --</p>





245

1 MR. SWEETEN: No. I just instructed him  
2 that I don't have an objection to the extent that the  
3 question calls for matters on the public record, which I  
4 think it was established hours ago that it was but --  
5 so, I'm just indicating objection, legislative privilege  
6 to the extent it reveals matters outside of the public  
7 record but he can freely discuss matters of the public  
8 record.

9 Q. (BY MS. ABUDU) Now, were you influenced by your  
10 brother's testimony when you voted in favor of Senate  
11 Bill 14?

12 MR. SWEETEN: Don't answer the question. It  
13 would call for you to reveal your thoughts, mental  
14 impressions, opinions or motivations about legislation  
15 and, as such, would be legislatively privileged.

16 A. On the advice of counsel, I'm not going to answer  
17 your question but I would further add that my brother's  
18 testimony was in the '09 session, not in the '11  
19 session, as I recall.

20 Q. (BY MS. ABUDU) Okay. So, he did not testify in  
21 support of Senate Bill 14?

22 A. I don't believe that he did.

23 Q. Okay. But if he did, you would know about it?

24 A. Yes.

25 Q. Did any other of your family members testify in

246

1 support of the '09 photo ID bill?

2 A. My brother did, as I said.

3 Q. No, I said any other family members testify?

4 A. No.

5 Q. Okay. Did any other family members testify in  
6 favor of Senate Bill 14?

7 A. No.

8 Q. Did you solicit your brother's testimony with  
9 respect to the '09 photo ID bill?

10 MR. SWEETEN: I have trouble with the word  
11 "solicit." What do you mean by the word "solicit"?

12 Q. (BY MS. ABUDU) Did you ask your brother to come  
13 and testify before the legislature in 2009 regarding the  
14 photo ID bill?

15 MR. SWEETEN: You can answer that.

16 A. I did.

17 Q. (BY MS. ABUDU) Why?

18 MR. SWEETEN: No. No. Objection. That  
19 would call for your motivations, mental impressions,  
20 opinions about legislation and the legislative process.  
21 So, don't answer the why question.

22 A. On the advice of counsel, I can't answer your  
23 question.

24 Q. (BY MS. ABUDU) And this question I'm about to  
25 ask is only for clarification. When -- there was never

247

1 any statement that someone had voted illegally on behalf  
2 of your father, right?

3 MR. SWEETEN: You can refer to matters of  
4 the public record and answer the question.

5 A. The testimony was about my maternal grandfather.

6 Q. (BY MS. ABUDU) Okay. I just wanted to clarify  
7 because I think that there was a misstatement in the  
8 public record and instead of saying "grandfather," it  
9 just said "father." So, I wanted to clarify that.

10 A. Okay.

11 Q. Now, you testified earlier about a number of  
12 individuals who submitted affidavits about an election  
13 in Progreso, Texas; is that correct?

14 A. I believe I submitted -- I testified that I  
15 submitted their affidavits into the record.

16 Q. Okay. How did you obtain these affidavits?

17 A. They were given to me.

18 Q. By whom?

19 A. You know, I'm not certain who gave them to me. I  
20 believe that it was Melinda Fredricks who gave them to  
21 me or she at least made me aware of them. I'm not sure  
22 I obtained them from her.

23 Q. And I'm sure you explained who Ms. Fredricks is  
24 but would you remind me?

25 A. She's a constituent.

248

1 Q. A constituent in Senate District 4?

2 A. Yes.

3 Q. And is Progreso, Texas in Senate District 4?

4 A. No.

5 Q. What Senate district is that in?

6 A. It's in the Rio Grand Valley. I believe it's in  
7 Senator Lucio's district. It may be in Senator  
8 Hinojosa's. I'm not sure. It may be in both of their  
9 districts.

10 Q. Have you ever been to Progreso, Texas?

11 A. I have.

12 Q. In your legislative capacity?

13 A. Yes.

14 Q. And what exactly were you doing while you were  
15 there in your legislative capacity?

16 A. I was there as the Chair of the Transportation  
17 and Homeland Security Committee, reviewing homeland  
18 security operations in the border region.

19 Q. And when was that?

20 A. I've made more than one trip. I made a trip  
21 prior to the 2011 session, after July of 2010 but before  
22 January of 2011, and I made a couple of other trips down  
23 there, one during the session, one subject -- subsequent  
24 to the session, and I don't remember if I went through  
25 Progreso then or not but I very well could have.



<p style="text-align: center;">249</p> <p>1 Q. Okay. And for the sake of time, I'm just going</p> <p>2 to ask do you -- have you ever met Simon Torres?</p> <p>3 A. No.</p> <p>4 Q. Have you ever met Maricela Infante?</p> <p>5 A. No.</p> <p>6 Q. Have you ever met Abigail Infante?</p> <p>7 A. No.</p> <p>8 Q. Have you ever met Jessica Rangel?</p> <p>9 A. No.</p> <p>10 Q. Jesus Vasquez, have you ever met him?</p> <p>11 A. No.</p> <p>12 Q. Have you ever met Andrea Pena?</p> <p>13 A. No.</p> <p>14 Q. So, you received these affidavits from</p> <p>15 individuals who you have never met, correct?</p> <p>16 A. That's correct.</p> <p>17 Q. Did you make any attempt to meet with these</p> <p>18 individuals in person?</p> <p>19 A. I don't know if they testified before our</p> <p>20 committee or not. I don't believe that they did.</p> <p>21 Q. Have you ever spoken with any of these</p> <p>22 individuals?</p> <p>23 A. No.</p> <p>24 Q. Okay. Now, are you originally from East Texas?</p> <p>25 A. I am.</p>	<p style="text-align: center;">251</p> <p>1 Q. (BY MS. ABUDU) Okay. And so, that means that</p> <p>2 there have been no racially motivated incidents in your</p> <p>3 district that have been brought to your attention?</p> <p>4 MR. SWEETEN: Objection. Argumentative.</p> <p>5 Objection. Vague.</p> <p>6 Q. (BY MS. ABUDU) You can answer.</p> <p>7 THE WITNESS: I'm okay to answer?</p> <p>8 MR. SWEETEN: Yeah, as long as this doesn't</p> <p>9 affect your thoughts on legislation.</p> <p>10 A. I know that there were some issues with the</p> <p>11 sheriff -- the former sheriff of Chambers County. Those</p> <p>12 are the racially motivated incidents that I'm aware of</p> <p>13 that have occurred in my district during the time that</p> <p>14 I've been in office. And he's no longer the sheriff,</p> <p>15 and I supported his opponent as a result of those</p> <p>16 accusations.</p> <p>17 Q. (BY MS. ABUDU) Okay. And what is the race of</p> <p>18 his opponent?</p> <p>19 A. He was Anglo.</p> <p>20 Q. Okay. Now, for the sake of time, I'm going to</p> <p>21 try to quickly wrap up.</p> <p>22 You were asked earlier about the application of</p> <p>23 Section 5 of the Voting Rights Act to the State of Texas</p> <p>24 earlier today. Are you aware that under Section 5 of</p> <p>25 the Voting Rights Act the presumption is that any</p>
<p style="text-align: center;">250</p> <p>1 Q. Now, can you talk to me a little bit about the</p> <p>2 history of racial discrimination in East Texas?</p> <p>3 A. In what respect?</p> <p>4 Q. Well, I'm thinking, for example, Jasper, Texas,</p> <p>5 where an African American man was tied to a truck and</p> <p>6 then murdered. Are you familiar with that incident?</p> <p>7 A. I am.</p> <p>8 Q. Do you agree that that incident was racially</p> <p>9 motivated?</p> <p>10 A. It would appear that it was.</p> <p>11 Q. And are you aware of other racially motivated</p> <p>12 incidents in East Texas?</p> <p>13 A. Not any specific incident but I -- they may have</p> <p>14 occurred. It's plausible to me that they may have</p> <p>15 occurred.</p> <p>16 Q. Do you believe that as a Senator from East Texas</p> <p>17 that it's your responsibility to know about racially</p> <p>18 motivated incidents happening in that area of the state?</p> <p>19 MR. SWEETEN: Objection. Argumentative.</p> <p>20 A. I would know about them if they had occurred in</p> <p>21 my district. Jasper is not part of my district. So,</p> <p>22 when you say "East Texas," that's a very broad area.</p> <p>23 So, if there have been racially motivated incidents in</p> <p>24 my district, I think they would have been brought to my</p> <p>25 attention.</p>	<p style="text-align: center;">252</p> <p>1 election change in Texas is -- will have a racially</p> <p>2 discriminatory impact?</p> <p>3 MR. SWEETEN: Objection. You can answer if</p> <p>4 you know. I think you've already answered voting rights</p> <p>5 questions but --</p> <p>6 A. I think that all I -- my recollection of the</p> <p>7 language is that we have to get any changes in election</p> <p>8 law precleared.</p> <p>9 Q. (BY MS. ABUDU) Okay. But are you aware that the</p> <p>10 presumption under Section 5 --</p> <p>11 MS. ABUDU: He can answer my question.</p> <p>12 MR. SWEETEN: I think he's attempting to do</p> <p>13 that. So, I would object to the side bar but you can go</p> <p>14 ahead and ask your question.</p> <p>15 Q. (BY MS. ABUDU) -- the presumption is that Senate</p> <p>16 Bill 14 is racially discriminatory, are you aware of</p> <p>17 that?</p> <p>18 MR. SWEETEN: Objection. Asked and</p> <p>19 answered.</p> <p>20 A. I am not aware of that.</p> <p>21 Q. (BY MS. ABUDU) Okay. Well, by asserting</p> <p>22 legislative privilege throughout this deposition, you</p> <p>23 are refusing to share any -- is it true that you are</p> <p>24 refusing to share any information that would rebut that</p> <p>25 presumption?</p>



<p style="text-align: center;">253</p> <p>1 MR. SWEETEN: Objection.</p> <p>2 Don't answer the question.</p> <p>3 The question is improper. He has a right to</p> <p>4 assert whatever privilege is available to him under the</p> <p>5 law, and he is asserting the privilege. I am</p> <p>6 instructing him as to the boundaries of the privilege.</p> <p>7 He is asserting the privilege, and he does not have to</p> <p>8 provide an answer as to the potential effect of that</p> <p>9 legally.</p> <p>10 I'm going to instruct you not to answer the</p> <p>11 question.</p> <p>12 A. I cannot answer the question, based on the advice</p> <p>13 of my counsel.</p> <p>14 Q. (BY MS. ABUDU) Okay. Thank you very much,</p> <p>15 Senator Williams.</p> <p>16 A. You're welcome.</p> <p>17 (Short recess.)</p> <p>18 (Exhibit 412 marked.)</p> <p>19 FURTHER EXAMINATION</p> <p>20 Q. (BY MS. RIOS) What has been marked as</p> <p>21 Exhibit 412, that's part of the consideration of the</p> <p>22 Senate Bill 14 in January. Senator Williams, did you</p> <p>23 request the Secretary of State to do a comparison</p> <p>24 between the voter rolls and the driver's license files?</p> <p>25 MR. SWEETEN: Don't reveal matters of</p>	<p style="text-align: center;">255</p> <p>1 part of the record but only to that extent.</p> <p>2 MS. RIOS: Okay. Counsel, I have been</p> <p>3 requested to ask you for any written communications</p> <p>4 about the analysis conducted by Ms. McGeehan and her</p> <p>5 office comparing the registered voter list with the</p> <p>6 driver's license list, and this was an analysis that</p> <p>7 Ms. McGeehan stated in the deposition yesterday was</p> <p>8 conducted between February and March of 2011.</p> <p>9 MR. SWEETEN: I wasn't in the deposition of</p> <p>10 Ms. McGeehan. I'm not sure what you're referring to.</p> <p>11 My -- you know, we -- so, I can talk to Senator Williams</p> <p>12 about it at a later time and we can discuss it but as</p> <p>13 far as your request, there's -- I'm going to have to</p> <p>14 investigate what was said that you're talking about,</p> <p>15 which I know nothing about, and I'll meet with Senator</p> <p>16 Williams on it and we can try to get you your answer if</p> <p>17 any such thing exists.</p> <p>18 MS. RIOS: I was asked to ask you for these</p> <p>19 documents --</p> <p>20 MR. SWEETEN: I understand.</p> <p>21 MS. RIOS: -- by lead counsel.</p> <p>22 MR. SWEETEN: I understand.</p> <p>23 Q. (BY MS. RIOS) Senator Williams, do you know</p> <p>24 whether Anglos, Hispanics or blacks or any other groups</p> <p>25 are more likely not to have IDs listed under SB14?</p>
<p style="text-align: center;">254</p> <p>1 legislative privilege but you can reveal matters that</p> <p>2 are subject to the public record.</p> <p>3 Q. (BY MS. RIOS) If you go to the bottom of the</p> <p>4 page --</p> <p>5 A. Clearly, Ms. McGeehan from the Secretary of</p> <p>6 State's office has indicated that I asked them if they</p> <p>7 could do some comparisons.</p> <p>8 Q. And these comparisons were between the registered</p> <p>9 voters and the driver's license data?</p> <p>10 A. Correct. That's what she says.</p> <p>11 Q. Okay. Did you have any written communications</p> <p>12 about this analysis that Ms. McGeehan stated she was</p> <p>13 going to get for you?</p> <p>14 MR. SWEETEN: You can answer if you had</p> <p>15 written communications.</p> <p>16 A. Could you repeat the question? I'm sorry.</p> <p>17 Q. (BY MS. RIOS) Sure. Were there any written</p> <p>18 communications about this analysis that Ms. McGeehan was</p> <p>19 going to conduct?</p> <p>20 A. There may have been. I did not write anything --</p> <p>21 Q. Okay. Did you --</p> <p>22 A. -- to the best of my recollection.</p> <p>23 Q. Are you aware whether your office received any</p> <p>24 written response from her?</p> <p>25 A. I think that we might have, and I think it was a</p>	<p style="text-align: center;">256</p> <p>1 MR. SWEETEN: Don't reveal your thoughts and</p> <p>2 your mental impressions, opinions, motivations about</p> <p>3 legislation, including Senate Bill 14, in answering this</p> <p>4 question but you can refer to matters of the public</p> <p>5 record.</p> <p>6 A. I know that it was discussed extensively in the</p> <p>7 Committee of the Whole and during the floor debate but</p> <p>8 beyond that, I don't have any knowledge.</p> <p>9 Q. (BY MS. RIOS) Okay. The Senate passed Senate</p> <p>10 Bill 14 very quickly. I'm referring to the House floor</p> <p>11 consideration. In your experience, how often does the</p> <p>12 Senate pass legislation in the first two weeks of a</p> <p>13 session?</p> <p>14 MR. SWEETEN: You can answer that.</p> <p>15 A. Well, it happens. And I think I've passed bills</p> <p>16 in the beginning of the session like that in the first</p> <p>17 couple of weeks. I know one session, it was the first</p> <p>18 bill that got to the Governor's desk.</p> <p>19 So, it happens but it really depends on whether</p> <p>20 the Governor has called -- if he doesn't treat it as an</p> <p>21 emergency item, it can't be passed that fast.</p> <p>22 Q. (BY MS. RIOS) So, in your experience, can you</p> <p>23 give me an estimate of how many bills have --</p> <p>24 A. I have no idea.</p> <p>25 Q. No idea?</p>



<p style="text-align: center;">257</p> <p>1 A. Huh-uh.</p> <p>2 Q. Okay. Were you on the Conference Committee for</p> <p>3 SB14?</p> <p>4 A. I probably was but I don't recall specifically</p> <p>5 that I was. I probably was.</p> <p>6 Q. And who selected the members of the Conference</p> <p>7 Committee?</p> <p>8 A. The Lieutenant Governor does.</p> <p>9 Q. Do you recall if you requested the Lieutenant</p> <p>10 Governor to be a member of the Conference Committee?</p> <p>11 A. I don't recall.</p> <p>12 Q. And do you recall if it was the Lieutenant</p> <p>13 Governor who told you, "Senator Williams, I want you in</p> <p>14 the Conference Committee"?</p> <p>15 A. It's completely his prerogative.</p> <p>16 Q. Based on the public record, were there concerns</p> <p>17 that SB14 might disproportionately impact minority</p> <p>18 voters?</p> <p>19 MR. SWEETEN: You can refer to matters of</p> <p>20 the public record, as the question prefaced.</p> <p>21 A. It was certainly discussed as a matter of -- in</p> <p>22 the committee and also in the floor debate.</p> <p>23 Q. (BY MS. RIOS) Okay. And did you believe that</p> <p>24 you had an obligation pursuant to Section 5 of the</p> <p>25 Voting Rights Act to determine whether SB14 might</p>	<p style="text-align: center;">259</p> <p>1 illegal aliens voting at fundraisers?</p> <p>2 A. I don't have any specific recollection.</p> <p>3 Q. Okay. Have you ever heard at any time from any</p> <p>4 Texas state legislator who voted in favor of SB14 that</p> <p>5 it would prevent a legitimately registered voter from</p> <p>6 voting in Texas?</p> <p>7 MR. SWEETEN: Hold on a minute. Don't</p> <p>8 reveal any communications you've had with legislators.</p> <p>9 That's subject to the legislative privilege.</p> <p>10 A. And so, repeat the question for me.</p> <p>11 THE WITNESS: Would you read it back?</p> <p>12 (Whereupon, the requested testimony was read back</p> <p>13 as follows:</p> <p>14 QUESTION: Okay. Have you ever heard at any time</p> <p>15 from any Texas state legislator who voted in</p> <p>16 favor of SB14 that it would prevent a</p> <p>17 legitimately registered voter from voting in</p> <p>18 Texas?)</p> <p>19 MR. SWEETEN: Same objection and</p> <p>20 instruction. You can refer to matters of the public</p> <p>21 record but don't reveal private conversations with</p> <p>22 legislators about legislation.</p> <p>23 A. I don't recall that I ever heard anyone who voted</p> <p>24 for the bill say that at either -- as a matter of public</p> <p>25 record.</p>
<p style="text-align: center;">258</p> <p>1 disproportionately impact minority voters?</p> <p>2 MR. SWEETEN: Don't reveal your thoughts,</p> <p>3 mental impressions, opinions, motivation about</p> <p>4 legislation, including Senate Bill 14, in answering the</p> <p>5 question.</p> <p>6 I instruct you not to answer based on</p> <p>7 legislative privilege.</p> <p>8 A. And I think based on what counsel has told me,</p> <p>9 I'm not able to answer your question.</p> <p>10 Q. (BY MS. RIOS) Are you aware of any legislators</p> <p>11 making any public statements about illegal aliens</p> <p>12 voting?</p> <p>13 MR. SWEETEN: You can answer to the extent</p> <p>14 she's referring to the public record.</p> <p>15 A. I'm sure some of my colleagues have made those</p> <p>16 statements but I can't give you any specific instances.</p> <p>17 Q. (BY MS. RIOS) Any names?</p> <p>18 A. No. I just -- I just simply don't recall. I</p> <p>19 know that that's been part of the dialogue in this.</p> <p>20 Q. And are you aware of the Lieutenant Governor or</p> <p>21 the Governor making any public statements about illegal</p> <p>22 aliens voting?</p> <p>23 A. I don't recall that specifically, no.</p> <p>24 Q. And have any of the legislators, the Lieutenant</p> <p>25 Governor or the Governor made any statements about</p>	<p style="text-align: center;">260</p> <p>1 Q. (BY MS. RIOS) Have you ever heard any Texas</p> <p>2 state legislator who voted in favor of SB14 say that it</p> <p>3 would prevent racial or ethnic minorities from voting in</p> <p>4 Texas?</p> <p>5 MR. SWEETEN: Objection. Legislative</p> <p>6 privilege.</p> <p>7 Don't reveal communications you've had with</p> <p>8 legislators. That's clearly covered by the legislative</p> <p>9 privilege. You can refer to matters of the public</p> <p>10 record, as I've instructed you today.</p> <p>11 A. I don't believe there's any instance that I can</p> <p>12 point to in the public record about that.</p> <p>13 Q. (BY MS. RIOS) Are you aware of any allegations</p> <p>14 that SB14 attempted to play on people's fears of illegal</p> <p>15 immigrants voting?</p> <p>16 MR. SWEETEN: You can refer to matters of</p> <p>17 the public record. Don't reveal your mental</p> <p>18 impressions, thoughts or opinions about the bill or</p> <p>19 communications you've had with the various individuals</p> <p>20 or entities I've listed today. Those are subject to</p> <p>21 legislative privilege.</p> <p>22 A. I know that -- I think it's clear that that's a</p> <p>23 matter of the public dialogue. It's in the public arena</p> <p>24 that there were people who were concerned about that.</p> <p>25 Q. (BY MS. RIOS) Any particulars?</p>



<p style="text-align: center;">261</p> <p>1 A. No.</p> <p>2 MR. SWEETEN: Same instruction.</p> <p>3 Q. (BY MS. RIOS) What did you want to accomplish</p> <p>4 with SB14?</p> <p>5 MR. SWEETEN: Objection. Legislative</p> <p>6 privilege.</p> <p>7 Don't answer the question except to the</p> <p>8 extent you can refer to matters of public record.</p> <p>9 A. As I've stated publicly, I think that protecting</p> <p>10 the integrity of the ballot box is fundamental to our</p> <p>11 way of life and that this is an important step in</p> <p>12 protecting that integrity.</p> <p>13 Q. (BY MS. RIOS) And how does SB14 protect the</p> <p>14 integrity of the ballot box?</p> <p>15 MR. SWEETEN: Objection. Legislative</p> <p>16 privilege.</p> <p>17 Don't answer the question.</p> <p>18 A. Based on advice of counsel, I can't answer your</p> <p>19 question.</p> <p>20 Q. (BY MS. RIOS) Why is SB14 a better way to</p> <p>21 protect the integrity of the ballot box than the current</p> <p>22 practice?</p> <p>23 MR. SWEETEN: Objection. Calls for matters</p> <p>24 subject to legislative privilege.</p> <p>25 I'm going to instruct you not to answer the</p>	<p style="text-align: center;">263</p> <p>1 Q. (BY MS. RIOS) At any time since the passage of</p> <p>2 SB14, have you come to believe that it was passed with</p> <p>3 any discriminatory purpose?</p> <p>4 MR. SWEETEN: You're saying since passage?</p> <p>5 MS. RIOS: Yes.</p> <p>6 MR. SWEETEN: So, you can answer the</p> <p>7 question except to the extent that your answer would</p> <p>8 reveal your thoughts, mental impressions, opinions and</p> <p>9 motivation about the legislation itself.</p> <p>10 A. No.</p> <p>11 Q. (BY MS. RIOS) Okay. At any time since the</p> <p>12 passage of SB14, have you come to believe that SB14 will</p> <p>13 have a greater aggressive effect on minority voters?</p> <p>14 MR. SWEETEN: Same instruction. Same</p> <p>15 objection.</p> <p>16 A. No.</p> <p>17 Q. (BY MS. RIOS) Okay. If called to trial, will</p> <p>18 you testify that SB14 has no discriminatory purpose?</p> <p>19 MR. SWEETEN: He's already answered the</p> <p>20 question probably five times today about the general</p> <p>21 purpose of SB14. You're now asking once again what the</p> <p>22 purpose is. You're also asking about our trial strategy</p> <p>23 as to whether we will call him.</p> <p>24 I will let him answer one more time what the</p> <p>25 general purpose of Senate Bill 14 is. He can answer</p>
<p style="text-align: center;">262</p> <p>1 question as phrased.</p> <p>2 A. Based on the advice of counsel, I can't answer</p> <p>3 your question.</p> <p>4 Q. (BY MS. RIOS) Has anyone ever told you that they</p> <p>5 did not vote because they are concerned that voter fraud</p> <p>6 would cancel out their vote?</p> <p>7 MR. SWEETEN: Objection. Don't reveal</p> <p>8 communications you've had with constituents, Texas</p> <p>9 Legislative Council, state agencies, legislative staff,</p> <p>10 legislators. Don't reveal your thoughts, mental</p> <p>11 impressions, opinions and motivations about legislation.</p> <p>12 You can refer to matters of the public</p> <p>13 record in answering the question.</p> <p>14 A. Based on the advice of counsel, I don't think</p> <p>15 there's anything that I have to add to that. So, only</p> <p>16 what's in the public record.</p> <p>17 Q. (BY MS. RIOS) Was there a time when you learned</p> <p>18 that Texas has represented in this litigation that</p> <p>19 795,000 voters do not have driver's licenses?</p> <p>20 MR. SWEETEN: Objection. Misstates the</p> <p>21 testimony -- or misstates the record.</p> <p>22 Go ahead and answer, assuming you can.</p> <p>23 A. I know that there are registered voters who don't</p> <p>24 have a driver's license. I have no idea if that number</p> <p>25 is correct.</p>	<p style="text-align: center;">264</p> <p>1 that question.</p> <p>2 A. The purpose of the bill is to protect the</p> <p>3 integrity of the ballot box by ensuring that the person</p> <p>4 who is presenting themselves as a voter is -- that they</p> <p>5 are indeed who they say they are.</p> <p>6 MS. RIOS: Patrick, I prefaced my question</p> <p>7 by saying "if called to trial."</p> <p>8 MR. SWEETEN: Okay. Well --</p> <p>9 MS. RIOS: I do not know what your trial</p> <p>10 strategy is, if there is a trial.</p> <p>11 MR. SWEETEN: Okay. Well, if you take --</p> <p>12 and I want to work with you on this because I understand</p> <p>13 you have questions you have to ask but I'm just simply</p> <p>14 saying that the Senator has sat here all day and</p> <p>15 answered questions about the general purpose of the</p> <p>16 bill. He's now done so again.</p> <p>17 "If called to trial," you know, when you put</p> <p>18 that in there, you're asking if we're going to call him</p> <p>19 to trial or what he would say when asked. You've</p> <p>20 already asked him, "What do you think the purpose of the</p> <p>21 bill is?" I just don't understand the purpose of your</p> <p>22 question but I'll tell you what, I'm just going to let</p> <p>23 you ask the question again and let the Senator answer</p> <p>24 it.</p> <p>25 Q. (BY MS. RIOS) Okay. If called to trial, will</p>





265

1 you testify that SB14 has no discriminatory purpose?  
 2 A. I don't believe that it has any discriminatory  
 3 purpose.  
 4 Q. And if called to trial, would you testify that  
 5 SB14 has no discriminatory effect?  
 6 A. I don't believe that it is a discriminatory bill.  
 7 MS. RIOS: Okay. We'll leave this  
 8 deposition open pending the resolution of some  
 9 privileged motions.  
 10 MR. SWEETEN: Okay.  
 11 MS. RIOS: Thank you.  
 12 MR. SWEETEN: And we will reserve questions  
 13 for Senator Williams to the time of trial.  
 14 (Whereupon at 5:29 p.m. the  
 15 deposition was adjourned.)  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

267

1 I, SENATOR THOMAS D. WILLIAMS, have read the  
 2 foregoing deposition and hereby affix my signature that  
 3 same is true and correct, except as noted above.  
 4  
 5 SENATOR THOMAS D. WILLIAMS  
 6  
 7 THE STATE OF \_\_\_\_\_  
 8 COUNTY OF \_\_\_\_\_  
 9 Before me, \_\_\_\_\_, on this day personally  
 10 appeared SENATOR THOMAS D. WILLIAMS, known to me (or  
 11 proved to me under oath or through \_\_\_\_\_)  
 12 (description of identity card or other document) to be  
 13 the person whose name is subscribed to the foregoing  
 14 instrument and acknowledged to me that they executed the  
 15 same for the purposes and consideration therein  
 16 expressed.  
 17  
 18 Given under my hand and seal of office this \_\_\_\_\_ day  
 19 of \_\_\_\_\_, \_\_\_\_\_.  
 20  
 21 NOTARY PUBLIC IN AND FOR  
 22 THE STATE OF \_\_\_\_\_  
 23  
 24  
 25


266

1 ERRATA SHEET  
 2  
 3 Correction Page Line  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

268

1 STATE OF TEXAS \*  
 2 COUNTY OF HARRIS \*  
 3  
 4 I, the undersigned certified shorthand reporter  
 5 and notary public in and for the State of Texas, certify  
 6 that the facts stated in the foregoing pages are true  
 7 and correct.  
 8 I further certify that I am neither attorney or  
 9 counsel for, nor related to or employed by, any of the  
 10 parties to the action in which this deposition is taken  
 11 and, further, that I am not a relative or employee of  
 12 any counsel employed by the parties hereto, or  
 13 financially interested in the action.  
 14  
 15 SUBSCRIBED AND SWORN TO under my hand and seal of  
 16 office on this the 4th day of June, 2012.  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

EDITH A. BOGGS, CSR  
 Certified Shorthand Reporter and  
 Notary Public in and for  
 the State of Texas  
 Notary Expires: 5-10-2016  
 Certificate No. 3022  
 Expiration date: 12-31-2013  
 Esquire Deposition Solutions, LLC  
 Registration No. 3




**ESQUIRE**  
 DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
 Facsimile: 512.328.8139

Suite 220  
 3101 Bee Caves Road  
 Austin, TX 78746  
 www.esquiresolutions.com